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TITLE 3—THE PRESIDENT

PROCLAMATION 2801

AMENDMENTS OF REGULATIONS RELATING TO
MIGRATORY BIRDS AND GAME MAMMALS
BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS the Secretary of the Interior has adopted, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and has submitted to me for approval the following amendments of the regulations relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

Amendments of Migratory Bird Treaty Act Regulations Adopted by the Secretary of the Interior

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, J. A. Krug, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and in accordance with

such determinations, do hereby adopt the following as suitable regulations, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof, and the exportation and importation of game mammals and parts and products thereof to and from Mexico which shall constitute amendments to Part 1, Chapter I, Subchapter A, Title 50, Code of Federal Regulations, and which shall supersede §§ 1.1 to 1.10, inclusive, of said Part 1 and all of Part 2 of said subchapter:

§ 1.1 *Definitions of migratory birds and game mammals*—(a) *Migratory birds*. Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, and between the United States and United Mexican States for the protection of migratory birds and game mammals concluded, respectively, August 16, 1916, and February 7, 1936, are as follows:

(1) *Game birds*. (i) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(ii) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(iii) Rallidae, or rails, including coots, gallinules, and sora and other rails.

(iv) Limicolae (Charadrii), or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(v) Columbidae, or pigeons, including doves and wild pigeons.

(2) *Insectivorous and other nongame birds*. Cuckoos, flickers, and other woodpeckers; nighthawks, or bullbats, chuck-will's-widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds; phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks, finches, sparrows, and buntings; tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits, catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; all other perching birds which feed entirely or

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chiefly on insects; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murrelets, petrels, puffins, shearwaters, and terns.

(b) *Game mammals.* Game mammals under the terms of the aforesaid convention between the United States and the United Mexican States include:

Antelope, mountain sheep, deer, bears, peccaries, squirrels, rabbits, and hares.

§ 1.2 *Definition of terms.* For the purposes of §§ 1.1 to 1.12 of this subchapter, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* Secretary of the Interior of the United States.

(b) *Director.* Director, Fish and Wildlife Service, United States Department of the Interior.

(c) *Regional Director.* Regional Director, Fish and Wildlife Service, United States Department of the Interior.

(d) *Person.* Individual, club, association, partnership, or corporation, any one or all, as the context requires.

(e) *Take.* Hunt, kill, or capture, or attempt to hunt, kill, or capture.

(f) *Open season.* Time during which migratory game birds may be taken.

(g) *Transport.* Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

§ 1.3 *Means by which migratory game birds may be taken.* Migratory game birds on which open seasons are specified in § 1.4 of this subchapter may be taken during such seasons only with bow and arrow or with a shotgun not larger than No. 10 gauge, fired from the shoulder, except as permitted by §§ 1.5, 1.8 and 1.9 of this subchapter, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal without disassembling the gun so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined. Such birds may be taken during the open seasons from land or water, with aid of a dog, and from a blind, boat or other floating craft not under tow or sail, except sinkbox (battery), motorboat (excluding a boat having a detached outboard motor), and sailboat; provided, that nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind, the taking of waterfowl by means, aid, or use of cattle, horses, mules, or live duck or goose decoys, the concentrating, driving, rallying, or stirring up of waterfowl and coots by means or aid of any motor-driven land, water, or air conveyance or sailboat; provided further, that nothing herein shall exclude the picking up of injured or dead waterfowl by means of a motorboat, sailboat, or other craft.

Waterfowl (except for propagating, scientific, or other purposes under permit issued pursuant to § 1.8 of this subchapter), and mourning doves and white-winged doves are not permitted to be taken, directly or indirectly, by means, aid, or use of shelled, shucked, or unshucked corn, or of wheat or other grain, salt, or other feed that has been so deposited, distributed, or scattered as to constitute for such birds a lure, attraction, or enticement to, on, or over the area where hunters are attempting to take them; provided, however, such birds may be taken over properly shocked corn and standing crops of corn, wheat, or other grain or feed, and grains found scattered solely as a result of agricultural harvesting.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory-bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

§ 1.4 *Open seasons, bag limits, and possession of certain migratory game birds.* During the open seasons prescribed and except as hereinafter provided in this section, ducks, geese, brant, coot, rails and gallinules may be taken daily from one-half hour before sunrise to one hour before sunset, and woodcock, mourning or turtle doves, white-winged doves, and band-tailed pigeons from one-half hour before sunrise to sunset. The hour for the commencement of hunting of waterfowl and coot on the first day of the season, including each first day of the split seasons, shall be 12 o'clock noon.

A person may take in any one day during the open seasons prescribed therefor not to exceed the numbers of migratory game birds herein permitted, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds. When so taken, such birds may be possessed in the number hereinafter specified, except that no person on the opening day of the season may possess any migratory game birds in excess of the applicable daily limits.

Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), or on any area of the United States set aside under any other law, proclamation, or executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except so far as may be permitted by the Secretary of the Interior under existing law, or on any area designated as a closed area under the Migratory Bird Treaty Act.

The open seasons (dates inclusive) on the following migratory game birds only, the daily bag and possession limits, and the exceptions to the hours of hunting heretofore stated, shall be as shown in the following schedules:

(a) *Atlantic Flyway States:*

	Migratory waterfowl and coot			Rails and gallinules		Woodcock	Mourning or turtle dove
	Ducks	Geese (except snow geese)	Coot	Sora	Others		
Daily bag limits.....	14	21	15	20	15	4	10
Possession limits ¹⁰	18	21	15	20	15	8	10
Seasons:							
Connecticut ¹	Nov. 12-Dec. 11			Sept. 15-Nov. 13		Oct. 28-Nov. 26	
Delaware.....	Oct. 29-Nov. 9 and Dec. 10-Dec. 21			Sept. 1-Oct. 30		Nov. 15-Dec. 14	Sept. 16-Nov. 14
Florida.....	Dec. 10-Jan. 8			Sept. 15-Nov. 13 ⁴			Dec. 18-Jan. 31 ^{4,5}
Georgia.....	do.			Sept. 1-Oct. 30 ⁴		Dec. 23-Jan. 21	Dec. 18-Jan. 31 ^{4,5}
Maine ²	Oct. 8-Oct. 19 and Nov. 26-Dec. 7			Oct. 8-Oct. 19 and Nov. 26-Dec. 7		Oct. 1-Oct. 30	
Maryland.....	Nov. 12-Nov. 23 and Dec. 28-Jan. 8			Sept. 1-Oct. 7		Nov. 15-Dec. 14	Sept. 1-Oct. 15
Massachusetts ³	Oct. 29-Nov. 9 and Dec. 28-Jan. 8			Oct. 29-Nov. 28 ¹		Oct. 20-Nov. 18	
New Hampshire ³	Oct. 8-Oct. 19 and Nov. 26-Dec. 7			Sept. 1-Oct. 30		Oct. 1-Oct. 30	
New Jersey.....	Nov. 12-Dec. 11			do.		Oct. 4-Nov. 2	
New York ³	Oct. 15-Oct. 26 and Nov. 26-Dec. 7			Oct. 15-Oct. 26 and Nov. 26-Dec. 7		See note 8.	
North Carolina.....	Dec. 10-Jan. 8			Sept. 1-Oct. 30		Oct. 9-Nov. 7	Sept. 16-Oct. 5 and Jan. 1-Jan. 20 ⁴
Pennsylvania.....	Oct. 15-Nov. 13			do.		Nov. 1-Nov. 30	Oct. 9-Nov. 7
Rhode Island ⁴	Dec. 10-Jan. 8			do.			
South Carolina.....	do.			Oct. 1-Nov. 29			Sept. 16-Oct. 5 and Dec. 20-Jan. 8 ⁴
Vermont.....	Oct. 15-Nov. 13			Sept. 1-Oct. 30		Oct. 1-Oct. 30	
Virginia.....	Dec. 10-Jan. 8			do.		Nov. 20-Dec. 19	Sept. 16-Oct. 30 ⁴
West Virginia.....	do.			Sept. 1-Oct. 30			
Puerto Rico.....	Dec. 15-Feb. 12			Dec. 15-Feb. 12			

¹ No open season on wood duck in Massachusetts, New Jersey or West Virginia. In other States bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted Mergansers 25; no possession limit except on opening day of season.

² 1 Canada goose or its subspecies, or 1 white-fronted goose, and in addition 3 blue geese a day or in possession.

³ Not more than 15 in the aggregate of rails (other than sora), gallinules, and coot.

⁴ Mourning doves in Dade, Monroe, and Broward Counties, Oct. 1 to Oct. 31.

⁵ Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.

⁶ Clapper rail: in Nassau, Duval, and St. Johns Counties, Florida, Sept. 15 to Nov. 20, in the rest of the State, Nov. 24 to Jan. 31; in Georgia, Oct. 1 to Nov. 30; in New Jersey, Sept. 1 to Nov. 15; and in Virginia, Sept. 1 to Nov. 30.

⁷ In Massachusetts, sora Oct. 29 to Dec. 27.

¹ New York, north and east of the tracks of the branch line of the New York Central R. R. from Oswego to Syracuse, the main line of the New York Central R. R. from Syracuse to Albany, and the main line of the Boston & Albany R. R. from Albany to the Massachusetts State line, Oct. 11 to Nov. 2; west and south of the line above described, Oct. 18 to Nov. 9; and that part of New York known as Long Island, Nov. 1 to Nov. 15; from 12 o'clock noon until sunset on the opening day in each of these zones, and thereafter in all of the aforesaid zones from 7 a. m. until sunset.

² Scoters and eider ducks may be taken in all areas in Connecticut from Nov. 12 to Dec. 17; and in Maine and New Hampshire during the applicable seasons for other

ducks. Such birds otherwise may be taken in open coastal waters only, beyond outer harbor lines, in Maine from Oct. 6 to Dec. 16; in New Hampshire from Sept. 1 to Oct. 7; in Connecticut from Sept. 18 to Nov. 11; and in Massachusetts, New York, and Rhode Island from Sept. 18 to Dec. 17. In these States the daily bag limit is 7 scoters or eider ducks singly or in the aggregate and not exceeding 14 in possession singly or in the aggregate.

³ Migratory game birds of species for which no open season is provided in this schedule may be imported or transported into and possessed in this flyway only in the numbers prescribed for flyway States having an open season thereon.

(b) Mississippi Flyway States:

	Migratory waterfowl and coot			Rails and gallinules		Woodcock	Mourning or turtle dove
	Ducks	Geese	Coot	Sora	Others		
Daily bag limits.....	14	24	15	20	15	4	10
Possession limits ¹	18	24	15	20	15	8	10
Seasons:	Nov. 26-Dec. 25.....			Nov. 20-Jan. 18.....		Nov. 26-Dec. 25.....	Nov. 25-Jan. 8 ⁴
Alabama.....	do.....			Sept. 1-Oct. 30.....		Dec. 1-Dec. 30.....	Sept. 10-Oct. 24 ⁴
Arkansas.....	do.....			do.....		Oct. 16-Nov. 14.....	Sept. 1-Sept. 30.
Illinois.....	Oct. 29-Nov. 27 ²			Sept. 1-Oct. 30.....			
Indiana.....	Oct. 29-Nov. 27.....			do.....			
Iowa.....	do.....			Sept. 1-Oct. 30.....			
Kentucky.....	Dec. 10-Jan. 8.....			do.....		Dec. 23-Jan. 21.....	Sept. 1-Oct. 30.
Louisiana.....	Nov. 12-Dec. 11.....			do.....		See note 7.....	Sept. 16-Oct. 5 and Dec. 24-Jan. 12 ⁴
Michigan.....	Oct. 15-Nov. 13.....			do.....		Oct. 2-Oct. 31.....	
Minnesota.....	Oct. 8-Nov. 6.....			Sept. 16-Nov. 14.....		Dec. 1-Dec. 30.....	Sept. 16-Oct. 5 and Dec. 16-Jan. 4 ⁴
Mississippi.....	Dec. 10-Jan. 8.....			Oct. 15-Dec. 13.....		Nov. 10-Dec. 9.....	Sept. 1-Oct. 30.
Missouri.....	Oct. 29-Nov. 27.....			Sept. 1-Oct. 30.....		Oct. 8-Nov. 6.....	Sept. 10-Oct. 24 ⁴
Ohio.....	do.....			do.....			
Tennessee.....	Dec. 10-Jan. 8.....			Oct. 15-Nov. 13.....			
Wisconsin.....	Oct. 15-Nov. 13.....					Oct. 1-Oct. 30.....	

¹ Bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted Mergansers 25; no possession limit except on opening day of the season.

² Including in such limit either 2 Canada geese or its subspecies or 2 white-fronted geese, or 1 of each.

³ Not more than 15 in the aggregate of rails (other than sora), gallinules, and coot.

⁴ Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.

⁵ Illinois, in Lake and McHenry Counties, coot, rails, and gallinules Oct. 1 to Oct. 12 from 7 a. m. until 4 p. m. and thereafter during season and hours for ducks.

⁶ No open season for geese in that part of Alexander County, Illinois, established as closed area by Proclamation 2748 of Oct. 1, 1947 (12 F. R. 6521).

⁷ Woodcock in Michigan, Upper Peninsula, Oct. 1 to Oct. 20, Lower Peninsula, Oct. 15 to Nov. 3.

⁸ Ducks, geese, coot on Pymatuning Reservoir in Ashtabula County, Ohio, and one-quarter mile distant in any direction from said Reservoir, Oct. 15 to Nov. 13.

⁹ Migratory game birds of species for which no open season is provided in this schedule may be imported or transported into and possessed in this flyway only in the numbers prescribed for flyway States having an open season thereon.

(c) Central Flyway States:

	Migratory waterfowl and coot			Rails and gallinules		Mourning or turtle dove
	Ducks	Geese	Coot	Sora	Others	
Daily bag limits.....	15	24	15	20	15	10
Possession limits ¹	10	24	15	20	15	10
Seasons:	Nov. 12-Dec. 16 ⁷			Sept. 1-Oct. 30.....		Sept. 1-Oct. 12.
Colorado.....	Oct. 15-Oct. 28 and Nov. 12-Nov. 25.....			do.....		Sept. 1-Oct. 30.
Kansas.....	Oct. 8-Oct. 21 and Nov. 12-Nov. 25 ⁷			do.....		
Montana.....	Oct. 15-Nov. 18.....			Sept. 1-Oct. 30.....		
Nebraska.....	Oct. 8-Oct. 21 and Dec. 23-Jan. 5.....			do.....		Sept. 1-Oct. 12.
New Mexico ⁴	Oct. 8-Nov. 11.....			do.....		
North Dakota.....	Oct. 29-Dec. 2.....			do.....		Sept. 1-Sept. 30.
Oklahoma ⁵	Oct. 15-Nov. 18.....			do.....		
South Dakota.....	Nov. 12-Dec. 16.....			do.....		See note 6.
Texas ⁶	Oct. 8-Oct. 21 and Nov. 30-Dec. 13 ⁷			do.....		
Wyoming.....						

¹ No open season on wood duck in Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted Mergansers 25; no possession limit except on opening day.

² Including in such limit either 2 Canada geese or its subspecies or 2 white-fronted geese, or 1 of each.

³ Not more than 15 in the aggregate of rails (other than sora), and gallinules, and coot.

⁴ In New Mexico, band-tailed pigeons, south of Highway 60, Sept. 16 to Oct. 15; no open season in rest of State.

⁵ In Oklahoma, woodcock, Dec. 1 to Dec. 30; daily limit 4, possession limit 8.

⁶ In Texas, mourning doves in Val Verde, Kinney, Uvalde, Medina, Kendall, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1 to Oct. 15;

in remainder of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 20 to Dec. 3; in these latter counties, Sept. 17, 19, and 21 from 4 p. m. until sunset, and Oct. 20 to Nov. 30, from one-half hour before sunrise to sunset.

⁷ No open season on snow geese in Beaverhead, Gallatin and Madison Counties in Montana, or in Colorado or Wyoming.

⁸ In Texas, white-winged doves in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, Willacy, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, Sept. 17, 19, and 21 from 4 p. m. until sunset; no open season in rest of State.

⁹ Migratory game birds of species for which no open season is provided in this schedule may be imported or transported into and possessed in this flyway only in the numbers prescribed for flyway States having an open season thereon.

(d) Pacific Flyway States:

	Migratory waterfowl and coot			Rails and gallinules		Mourning or turtle dove	Band-tailed pigeon
	Ducks	Geese and brant (except Ross's goose)	Coot	Sora	Others		
Daily bag limits.....	15	25	15	20	15	10	10
Possession limits ¹	10	25	15	20	15	10	10
Seasons:	Oct. 8-Oct. 24 and Nov. 30-Dec. 16.....			Sept. 1-Oct. 30.....		Sept. 1-Oct. 30.....	Sept. 16-Oct. 15.
Arizona ⁴	Oct. 15-Oct. 31 and Dec. 23-Jan. 8.....			do.....		Sept. 1-Sept. 30 ⁴	See note 5.
California.....	Oct. 29-Nov. 14 and Dec. 23-Jan. 8 ⁴			do.....		Sept. 1-Sept. 10.....	
Idaho.....	Oct. 15-Nov. 23.....			do.....		Sept. 1-Oct. 12.....	
Nevada.....	Oct. 29-Nov. 14 and Dec. 23-Jan. 8.....			do.....		Sept. 1-Sept. 15.....	Sept. 1-Sept. 30.
Oregon.....	Oct. 29-Dec. 7.....			Sept. 1-Oct. 30.....			
Utah.....	Oct. 15-Oct. 31 and Dec. 23-Jan. 8.....						Sept. 1-Sept. 30
Washington.....	See note 7.....						
Alaska.....							

¹ No open season on wood ducks in Arizona, Nevada and Utah. In other Pacific Flyway States and Alaska, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted Mergansers 25; no possession limit except on opening day of season.

² In any combination not exceeding 2 of Canada geese or its subspecies, white-fronted geese, or brant.

³ Not more than 15 in the aggregate of rails (other than sora), gallinules, and coot.

⁴ In Arizona the season on white-winged dove is Sept. 1 to Sept. 15. The daily bag limit is 10 and the possession limit 10.

⁵ In California in the Counties of Marin, Sonoma, Napa, Solano, Sacramento, El Dorado and all counties north thereof the season for band-tailed pigeon is from Sept. 1

to Sept. 15 and in the rest of the State from Dec. 1 to Dec. 15. The season for mourning dove in Imperial County is from Oct. 1 to Oct. 31.

⁶ In Idaho, no open season on snow geese, and no open season on geese of any other species in Canyon County except a strip 1 mile wide along the northeast side of the Snake River and a strip 1 mile wide on each side of the Boise River.

⁷ Alaska, in First Judicial Division Oct. 1 to Nov. 9; in Second and Fourth Judicial Divisions and the entire drainage of Tanana River in the Third Judicial Division Sept. 1 to Oct. 10; in the rest of the Third Judicial Division Sept. 15 to Oct. 24.

⁸ Migratory game birds of species for which no open season is provided in this schedule may be imported or transported into and possessed in this flyway only in the numbers prescribed for flyway States having an open season thereon.

§ 1.5 Taking of certain migratory nongame birds by Eskimos and Indians in Alaska. In Alaska, Eskimos and Indians may take, in any manner and at any time, and may possess and transport, auks, auklets, guillemots, murres, and puffins and their eggs and skins for use of themselves and their immediate families for food and clothing.

§ 1.6 Shipment, transportation and possession of certain migratory game birds—(a) Transportation in or out of Alaska, Puerto Rico and the United States. Migratory game birds and parts thereof, which if dressed have the head, head plumage, and feet attached, and which have been lawfully taken therein, may be transported in or out of Alaska, Puerto Rico, or the State where taken during its respective open season; *provided*, that the number of such birds permitted to be transported out of any such State, Alaska, or Puerto Rico during any one calendar week shall not exceed for one person the number permitted by § 1.4 of this subchapter to be in the possession of one person where taken; *provided further*, that nothing herein contained shall authorize such transportation to any other flyway in excess of the possession limits prescribed for such other flyway.

Any such birds or parts thereof transported from Alaska, Puerto Rico, or any State not later than 48 hours following the close of the open season therein may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination. Any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof.

(b) Importations from Canada, Mexico, or other foreign country. Migratory game birds of species on which open seasons are prescribed by § 1.4 of this subchapter, and parts thereof, which if dressed have the head, head plumage, and feet attached, and which have been lawfully taken and possessed in and exported from a foreign country may be transported into the United States, Alaska or Puerto Rico during the open seasons where taken; *provided*, that shipments from Mexico must be accompanied by a Mexican export permit and shipments from Canada must be accompanied by tags or permits if required by provincial or dominion law; and, *provided further*, that the number of such migratory game birds permitted to be so imported during any one calendar week shall not exceed for one person the number permitted to be in the possession of one person in Alaska, Puerto Rico, the

District of Columbia, or the State to which they are being transported.

Any such birds or parts thereof transported from Canada or Mexico not later than 5 days immediately following the open season where taken may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination. Any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof therein contained clearly and conspicuously marked on the outside thereof.

(c) Possession. Within the possession limits prescribed by § 1.4 of this subchapter, migratory game birds, either taken within a State or transported or imported in accordance with the provisions of subsections (a) or (b) of this section, may be possessed in any State, Alaska, or Puerto Rico during the open season where taken and for an additional 90 days next succeeding said open season; and in the case of the District of Columbia, may be possessed during the open season and in numbers not exceeding the possession limits prescribed for Maryland, and for an additional 90 days immediately succeeding said open season.

(d) Limitations upon transportation and importation. Nothing contained herein shall be construed as permitting transportation of migratory game birds, or parts thereof, from, to, or through any State, Alaska, Puerto Rico, or the District of Columbia, or to or through Canada, Mexico, or other foreign countries, contrary to the laws of the place in which taken or from, to, or through which transported; nor shall any such birds be imported from Canada, Mexico, or other foreign countries, contrary to the laws of the place in which taken or from, to, or through which transported.

§ 1.7 Transportation of game mammals to and from Mexico—(a) To Mexico. Game mammals or parts or products thereof, taken in and transported from a State, Territory, or the District of Columbia, may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired and are being transported in compliance with the laws and regulations of such State, Territory, or District.

(b) From Mexico. Game mammals, dead or alive, their parts or products, may be transported from Mexico into the United States if accompanied by a Mex-

ican export permit, and if alive by such permit as may be required under regulations of the Secretary of the Treasury relating to transportation of wild animals and birds under humane and healthful conditions; *provided*, that their possession in any State or Territory or the District of Columbia will be subject to the laws of such State, Territory, or District.

§ 1.8 Propagating, scientific, and other permits—(a) General authorization. Any person, without a permit, may possess and transport for his own use legally acquired live migratory waterfowl and the plumage and skins of legally taken migratory game birds; and such person may possess, dispose of, and transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses, but not for millinery nor ornamental use, feathers of wild ducks and wild geese legally killed, or seized and condemned by Federal or State game authorities.

(b) Special authorization. Imports from Mexico must be accompanied by Mexican export permits, but otherwise state or municipal game farms or city parks may acquire, possess, dispose of and transport live migratory waterfowl without a special permit; and public museums, zoological parks and societies, and public scientific and educational institutions may acquire, possess, purchase, dispose of and transport migratory birds and their eggs, nests, or parts, without obtaining a special permit.

(c) Special permits. Permits for the importation, taking, acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, acquisition, and possession of migratory birds and their eggs, nests, or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts, and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests, may be issued under the direction of the Secretary, upon such terms and conditions, including the keeping of records and the making of reports, as he may deem are necessary for the protection of the species and consistent with the general purposes of §§ 1.1 to 1.12 of this subchapter. Importations from Mexico under this subsection must be accompanied by a Mexican export permit.

(d) Applications for permits. Applications for permits shall be in such form as may be prescribed by the Secretary, and shall be addressed to the Director of Fish and Wildlife Service, Washington 25, D. C.

(e) Marking of packages. Every package in which migratory birds or parts, nests, or eggs thereof, are shipped wholly within a State or Territory or the District of Columbia, or in which such birds

or parts or eggs thereof are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the names and addresses of the consignor and consignee, the contents of the package, the number of the permit, under authority of which it is shipped or transported, and the purpose for which the birds or parts, nests, or eggs are being shipped or transported.

§ 1.9 *Permits to kill, frighten, or otherwise herd migratory birds injurious to agriculture or other interests*—(a) *Injuries resulting from over abundance of migratory birds.* Whenever by reason of the destruction or threatened destruction of valuable agricultural crops through the over abundance of any species of migratory game birds during either an open or a closed season specified in § 1.4 of this subchapter, the lengthening of the open season or an increase of the daily bag and possession limits, or a change in the manner, method, or hours of such taking, will operate to reduce the destruction of valuable agricultural crops, then, in such event, the applicable season or daily bag and possession limits may be increased, or the manner, method, or hours of taking changed, for such fixed period or time to the extent necessary to conserve such valuable agricultural crops. The facts as to the destruction of valuable agricultural crops requiring the lengthening of seasons or other remedial action shall be determined by the Secretary, and in accordance therewith he shall issue applicable orders which shall become effective when published in the *FEDERAL REGISTER*. In no event shall any season be lengthened to provide an open season of more than 3½ months.

(b) *Injuries over an extensive area.* When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any extensive area, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, frightened, or otherwise herded, and, if so, during what times, hours, and by what methods and means. Upon such determination an appropriate order will be made by the Secretary.

(c) *Localized injuries.* Upon receipt by the Director, or the Regional Director in the region where the injury occurs, of information from the owner, tenant, or sharecropper that migratory birds are injuring his crops or other interests on the land on which he resides, together with a statement of the location of the land, the nature of the crops or other interests being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made, and if it is determined from such investigation that the injury complained of is substantial and can be so abated, permits to kill, frighten, or otherwise herd the birds may be issued by the Director, or by the Regional Director if authorized by the Director, in which per-

mits will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, frightened, or herded, and the disposition to be made of the birds killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case.

Every person exercising any privilege granted in a permit issued by the Director or Regional Director shall keep an accurate record of all migratory birds killed by him, and whenever requested by the Director or by the Regional Director shall submit promptly, on a form provided by the Fish and Wildlife Service for the purpose, a report correctly stating the species and the number of each species of migratory birds killed by him, and in any event shall submit such report to the Regional Director on or before January 10 of each year. Failure to submit a report as required by this section will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

§ 1.10 *Continuance of existing permits.* All permits heretofore made or issued pursuant to this subchapter and now in force authorizing the killing or other disposition of certain species of migratory birds when injurious to crops and other property and interests and the taking, possession, sale, purchase, exchange, or transportation of migratory birds and their nests and eggs for scientific purposes, and migratory waterfowl and their eggs for propagating purposes, are hereby continued and extended in full force and effect as permits adopted and approved, made, or issued under this part.

§ 1.11 *Additional protection of migratory game birds during open season.* Whenever, by reason of a rapid decrease in the distribution and abundance of any species of migratory game birds during any open season specified in § 1.4 or pursuant to § 1.9 of this part, the shortening of such season or the reduction of the daily bag and possession limits will operate to insure a continuing and normal supply of such species, then, in that event, the applicable season or the daily bag and possession limits of such species shall be shortened or reduced to the extent determined necessary to insure such continuing and normal supply.

The facts as to the decrease in distribution and abundance of any species of migratory game birds requiring a shortening of season or reductions of daily bag and possession limits shall be determined by the Secretary, and in accordance therewith he shall issue applicable orders which shall become effective when published in the *FEDERAL REGISTER*.

§ 1.12 *State laws for the protection of migratory birds.* Nothing in this part or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, or parts, nests, or eggs thereof contrary to the laws and regulations of any State or Territory or the District of Columbia, made for the purpose of giving further protection to

migratory birds, their nests, and eggs, when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by this part.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 27th day of July, 1948.

J. A. KRUG,
Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of July in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-6972; Filed, July 29, 1948; 4:51 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 285]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.392 *Lemon Regulation 285*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) is impracticable, unnecessary, and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) Order. (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 1, 1948, and ending at 12:01 a. m., P. s. t., August 8, 1948, is hereby fixed as follows:

(i) District 1: 300 carloads.

(ii) District 2: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of July 1948.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

Storage Date: July 25, 1948

Regulation Period No. 285

[12:01 a. m. August 1, 1948, to 12:01 a. m. August 15, 1948]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.200
American Fruit Growers, Inc., Fullerton	.452
American Fruit Growers, Inc., Upland	.154
Hazeltine Packing Co.	.311
Ventura Coastal Lemon Co.	2.396
Ventura Pacific Co.	1.827
Total A. F. G.	5.340
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	.908
La Verne Lemon Association	.478
La Habra Citrus Association, The	1.153
Yorba Linda Citrus Association, The	.991
Alta Loma Heights Citrus Association	.619
Etiwanda Citrus Fruit Association	.389
Mountain View Fruit Association	.437

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Old Baldy Citrus Association	0.770
Upland Lemon Growers Association	4.807
Central Lemon Association	.738
Irvine Citrus Association, The	1.128
Placentia Mutual Orange Association	.352
Corona Citrus Association	.354
Corona Foothill Lemon Co.	2.426
Jameson Co.	.918
Arlington Heights Citrus Co.	.475
College Heights Orange and Lemon Association	2.600
Chula Vista Citrus Association	1.406
El Cajon Valley Citrus Association	.084
Escondido Lemon Association	2.281
Fallbrook Citrus Association	1.055
Lemon Grove Citrus Association	.385
San Dimas Lemon Association	.881
Carpinteria Lemon Association	2.716
Carpinteria Mutual Citrus Association	3.136
Goleta Lemon Association	4.936
Johnston Fruit Co.	6.810
North Whittier Heights Citrus Association	.578
San Fernando Heights Lemon Association	.533
San Fernando Lemon Association	.375
Sierra Madre-Lamanda Citrus Association	1.273
Tulare Co. Lemon & Grapefruit Association	.000
Briggs Lemon Association	3.024
Culbertson Investment Co.	.773
Culbertson Lemon Association	1.754
Fillmore Lemon Association	1.480
Oxnard Citrus Association No. 1	4.304
Oxnard Citrus Association No. 2	3.190
Rancho Sespe	.929
Santa Paula Citrus Fruit Association	4.100
Saticoy Lemon Association	5.767
Seaboard Lemon Association	5.296
Somis Lemon Association	3.432
Ventura Citrus Association	1.973
Limoneira Co.	2.201
Teague-McKevett Association	.798
East Whittier Citrus Association	.436
Leffingwell Rancho Lemon Association	.662
Murphy Ranch Co.	1.169
Whittier Citrus Association	.348
Whittier Select Citrus Association	.233
Total C. F. G. E.	87.856

Chula Vista Mutual Lemon Association	.805
Escondido Co-op. Citrus Association	.231
Highland Mutual Groves	.000
Index Mutual Association	.228
La Verne Co-op. Citrus Association	1.534
Orange Co-op. Citrus Association	.151
Ventura County Orange & Lemon Association	2.808
Whittier Mutual Orange & Lemon Association	.138
Total M. O. D.	5.895

California Citrus Groves, Inc., Ltd.	.000
Dewars, Pieter	.000
Evans Brothers Packing Co.	.003
Flint, Arthur E.	.000
Furr, N. C.	.000
Harding & Leggett	.015
Iseley, W. J.	.000
Johnson, Fred	.005
Levinson, Sam	.000
Lorbeer, Carroll, W. C.	.000
Manos, Gus & William	.003
Orange Belt Fruit Distributors	.810
Rooke, B. G., Packing Co.	.000
San Antonio Orchard Co.	.073
Segal, Joseph	.000

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Torn Ranch	0.000
Walshe, Jack M.	.000
Zaninovich Brothers, Inc.	.000
Total independents	.909

[F. R. Doc. 48-6971; Filed, July 30, 1948; 10:07 a. m.]

[Orange Reg. 241]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.387 Orange Regulation 241—
(a) Findings. (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) is impracticable, unnecessary, and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) Order. (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 1, 1948, and ending at 12:01 a. m., P. s. t., August 8, 1948, is hereby fixed as follows:

(i) Valencia oranges. (a) Prorate District No. 1: Unlimited movement; (b) Prorate District No. 2: 1500 carloads; (c) Prorate District No. 3: Unlimited movement.

(ii) Oranges other than Valencia oranges. (a) Prorate District No. 1: No movement; (b) Prorate District No. 2: No movement; (c) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

RULES AND REGULATIONS

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 30th day of July 1948.

[SEAL]

C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Aug. 1, 1948, to 12:01 a. m. Aug. 8, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0855
A. F. G. Corona	.1544
A. F. G. Fullerton	.7367
A. F. G. Orange	.4319
A. F. G. Riverside	.1124
A. F. G. San Juan Capistrano	.9403
A. F. G. Santa Paula	.6272
Hazeltine Packing Co.	.4215
Placentia Pioneer Valley Growers Association	.6314
Signal Fruit Association	.1361
Azusa Citrus Association	.3939
Covina Valley Orange Co.	.0780
Damerel-Alison Co.	.8499
Glendora Mutual Orange Association	.3930
Irwindale Citrus Association	.4045
Puente Mutual Citrus Association	.2138
Valencia Heights Orchard Association	.4811
Covina Citrus Association	1.0507
Covina Orange Growers Association	.5864
Glendora Citrus Association	.3773
Glendora Heights Orange & Lemon Growers Association	.0586
Gold Buckle Association	.5904
La Verne Orange Association	.6783
Anaheim Citrus Fruit Association	1.1562
Anaheim Valencia Orange Association	.9316
Eadington Fruit Co., Inc.	2.5966
Fullerton Mutual Orange Association	1.3328
La Habra Citrus Association	1.1068
Orange County Valencia Association	.7891
Orangethorpe Citrus Association	.8914
Placentia Coop. Orange Association	.8479
Yorba Linda Citrus Association	.6516
Citrus Fruit Growers	.1447
Cucamonga Citrus Fruit Association	.2117
Etiwanda Citrus Fruit Association	.0375
Mountain View Fruit Association	.0189
Old Baldy Citrus Association	.1323
Rialto Heights Orange Growers	.0592
Upland Citrus Association	.3946
Upland Heights Orange Association	.1532
Consolidated Orange Growers	1.9175
Frances Citrus Association	1.2524
Garden Grove Citrus Association	1.3827
Goldenwest Citrus Association, The	1.5172
Irvine Valencia Growers	2.9776
Olive Heights Citrus Association	1.6264
Santa Ana-Tustin Mutual Citrus Association	1.0611

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Santiago Orange Growers Association	4.2316
Tustin Hills Citrus Association	2.4024
Villa Park Orchards Association, The	1.6117
Bradford Brothers, Inc.	.5445
Placentia Mutual Orange Association	1.7202
Placentia Orange Growers Association	2.0605
Yorba Orange Growers Association	.6185
Call Ranch	.0748
Corona Citrus Association	.6186
Jameson Co.	.0484
Orange Heights Orange Association	.3871
Crafton Orange Growers Association	.4205
E. Highlands Citrus Association	.0811
Fontana Citrus Association	.1195
Highland Fruit Growers Association	.0475
Redlands Heights Groves	.3153
Redlands Orangedale Association	.3356
Break & Sons, Allen	.0634
Bryn Mawr Fruit Growers Association	.2803
Krinard Packing Co.	.3022
Mission Citrus Association	.1724
Redlands Coop. Fruit Association	.3688
Redlands Orange Growers Association	.2551
Redlands Select Groves	.3088
Rialto Citrus Association	.1907
Rialto Orange Co.	.1588
Southern Citrus Association	.1427
United Citrus Growers	.1433
Zilen Citrus Company	.0771
Arlington Heights Citrus Co.	.1163
Brown Estate, L. V. W.	.1622
Gavilan Citrus Association	.1721
Hemet Mutual Groves	.0022
Highgrove Fruit Association	.0613
McDermont Fruit Co.	.2027
Monte Vista Citrus Association	.1926
National Orange Co.	.0360
Riverside Heights Orange Growers Association	.0625
Sierra Vista Packing Association	.0606
Victoria Avenue Citrus Association	.2204
Claremont Citrus Association	.1814
College Heights Orange and Lemon Association	.2824
El Camino Citrus Association	.0729
Indian Hill Citrus Association	.2016
Pomona Fruit Growers Exchange	.4128
Walnut Fruit Growers Association	.5735
West Ontario Citrus Association	.3930
El Cajon Valley Citrus Association	.2804
Escondido Orange Association	2.5116
San Dimas Orange Growers Association	.4991
Andrews Brothers of Calif.	.3391
Ball & Tweedy Association	.5403
Canoga Citrus Association	.8263
N. Whittier Heights Citrus Association	.9738
San Fernando Fruit Growers Association	.6784
San Fernando Heights Orange Association	1.0929
Sierra Madre-Lamanda Citrus Association	.4915
Camarillo Citrus Association	1.5761
Fillmore Citrus Association	3.8144
Mupu Citrus Association	3.1476
Ojai Orange Association	1.0602
Piru Citrus Association	2.1077
Santa Paula Orange Association	1.1966
Tapo Citrus Association	1.2473
Ventura County Citrus Association	.0339
Limoneira Co.	.7386
East Whittier Citrus Association	.3927
El Ranchito Citrus Association	.9893
Murphy Ranch Co.	.4530
Rivera Citrus Association	.4106

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Whittier Citrus Association	0.6953
Whittier Select Citrus Association	.3649
Anaheim Coop. Orange Association	1.1217
Bryn Mawr Mutual Orange Association	.0818
Chula Vista Mutual Lemon Association	.1352
Escondido Coop. Citrus Association	.4158
Euclid Avenue Orange Association	.4993
Foothill Citrus Union, Inc.	.0354
Fullerton Coop. Orange Association	.3071
Garden Grove Orange Coop., Inc.	.6305
Golden Orange Groves, Inc.	.2576
Highland Mutual Groves	.0324
Index Mutual Association	.2560
La Verne Coop. Citrus Association	1.3124
Mentone Heights Association	.0758
Olive Hillside Groves	.5492
Orange Coop. Citrus Association	.9974
Redlands Foothill Groves	.6266
Redlands Mutual Orange Association	.1349
Riverside Citrus Association	.0584
Ventura County Orange & Lemon Association	.9881
Whittier Mutual Orange & Lemon Association	.1190
Babijucie Corp. of Calif.	.4088
Banks Fruit Co.	.1366
Banks, L. M.	.4513
Borden Fruit Co.	.9323
California Associated Growers	.1398
California Fruit Distributors	.1311
Cherokee Citrus Co., Inc.	.1376
Chess Co., Meyer W.	.3290
Escondido Avocado Growers	.0204
Evans Brothers Packing Co.	.3164
Furr, N. C.	.0185
Gold Banner Association	.2876
Granada Hills Packing Co.	.0397
Granada Packing House	1.5180
Hill, Fred A.	.0791
Inland Fruit Dealers, Inc.	.0356
Morris Brothers Fruit Co.	.0113
Orange Belt Fruit Distributors	1.6511
Panno Fruit Co., Carlo	.0811
Paramount Citrus Association, Inc.	.7295
Placentia Orchard Co.	.4933
San Antonio Orchard Co.	.3739
Snyder Sons Co., W. A.	.3356
Stephens, T. F.	.2279
Torn Ranch	.0037
Wall, E. Y.	.1005
Webb Packing Co.	.0378
Western Fruit Growers, Inc., Redlands	.6991

[F. R. Doc. 48-6988; Filed, July 30, 1948; 10:42 a. m.]

Chapter XXI—Organization, Functions, and Procedures

Subchapter C—Production and Marketing Administration

PART 2303—DAIRY BRANCH

CENTRAL OFFICE; DAIRY AND POULTRY GRADING AND INSPECTION DIVISION

The provisions in paragraph (f) (1) of § 2303.1 Central Office (7 CFR Supps.) are hereby deleted and the following substituted therefor:

§ 2303.1 Central Office. * * *

(f) Divisions. * * *

(1) Dairy and Poultry Grading and Inspection Division. Plans, supervises and directs the program for investigating and certifying upon application, the grade, quality or condition of dairy and poultry

products. The Chief of the Division has final authority to exercise the powers and functions vested in the Administrator by §§ 55.9, 55.11, 55.13, 55.15, 55.18, 55.22, 55.24, 55.25, 55.28, 55.33, 55.34, 55.39, 55.52, 55.53, 55.54, 55.59, and 55.66 (7 CFR, Part 55) governing the sampling, grading, grade labelling, and supervision of packaging of butter, cheese, eggs, poultry and dressed domestic rabbits. The following officers and employees of this Division have been delegated final authority to act with reference to the administration of those sections of the rules and regulations (7 CFR, Part 56) governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness which appear opposite their titles:

Chief of the Division: §§ 56.1 to 56.12, inclusive; §§ 56.16 to 56.18, inclusive; and §§ 56.21 to 56.64, inclusive.

Chief, Poultry Inspection Section: §§ 56.12, 56.16, 56.18, 56.22, 56.29, 56.31, 56.42, 56.43, 56.44, 56.46, and 56.51.

Poultry Pathologist: §§ 56.43, 56.44, 56.46 and 56.51.

Assistant National Supervisor: §§ 56.43, 56.44, 56.46 and 56.51.

The Chief of the Division, may in his discretion, redelegate the authority granted to him herein, to any employee of the Production and Marketing Administration.

(Pub. Law 712, 80th Cong.; 7 CFR Cum. Supp., Part 56)

Done at Washington, D. C., this 28th day of July 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 48-6906; Filed, July 30, 1948;
8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter A—Property Improvement Loans

PART 502—CLASS 3 PROPERTY IMPROVEMENT LOANS

MISCELLANEOUS AMENDMENTS

Section 502.6 (a) (10) of Part 502 of the regulations of the Federal Housing Commissioner governing Class 3 Loans, effective July 1, 1947, is hereby amended to read as follows:

§ 502.6 *Eligible interest bearing loans—(a) Mortgage provisions* . . .

(10) Shall provide for not more than two hundred and forty (240) monthly payments which shall fall due on the first day of a month and unless the approval of the Commissioner is obtained, the first such payment shall fall due not less than six (6) days nor more than six (6) calendar months from the date of the mortgage, except as provided in subparagraph (11) of this paragraph.

Section 502.7 (a) (6) of Part 502 of the regulations of the Federal Housing Commissioner governing Class 3 Loans,

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effective July 1, 1947, is hereby amended to read as follows:

§ 502.7 *Eligible discount loans. (a)*

(6) May not provide without the approval of the Commissioner for a first payment less than six (6) days nor more than six (6) calendar months from the date of the note except as provided in subparagraph (7) of this paragraph and in no case shall provide for more than two hundred and forty (240) payments.

(53 Stat. 804, 805, 55 Stat. 364, 365, 56 Stat. 305, 57 Stat. 571, Pub. Law 120, 80th Cong., 12 U. S. C. and Sup. I, 1703 Reorg. Plan 3 of 1947, 12 F. R. 4981)

The amendments contained herein are effective as to all loans made under Part 502 of the regulations of the Federal Housing Commissioner governing Class 3 Loans and shall have the same force and effect as if included in and made a part of each Contract of Insurance.

Issued at Washington, D. C., July 27, 1948.

WALTER L. GREENE,
Acting Federal Housing
Commissioner.

[F. R. Doc. 48-6890; Filed, July 30, 1948;
8:46 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 521—ADMINISTRATIVE RULES FOR MUTUAL MORTGAGE INSURANCE UNDER SECTION 203 OF THE NATIONAL HOUSING ACT

FEE TO ACCOMPANY APPLICATION

Section 521.11 is hereby amended to read as follows:

§ 521.11 *Fee to accompany application.* If the application is for a firm commitment or for a conditional commitment involving proposed construction, it must be accompanied by the mortgagee's check for a sum computed at a rate of three dollars (\$3) per thousand dollars (\$1,000) of the original principal amount of the mortgage loan applied for, to cover the costs of processing by the Commissioner, but in no case shall such sum be less than ten dollars (\$10). If an application is refused as a result of preliminary examination by the Commissioner, the fee will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following the preliminary examination or on account of any difference between the amount applied for and the amount approved for insurance.

If the application is for a conditional commitment involving existing construction, it must be accompanied by the mortgagee's check for ten dollars (\$10) regardless of the amount of the mortgage. The balance, if any, of the fee as stipulated herein shall be payable upon and shall accompany the application for the firm commitment, if any, subsequently submitted pursuant thereto.

If the application is made on behalf of a veteran of World War II, for the insurance of a mortgage to refinance an

existing insured mortgage which is in default, by reason of his military service, the fee herein provided may be waived by the Commissioner if he finds that the collection of such fee would be inequitable under the particular circumstances of the transaction. (52 Stat. 23; 12 U. S. C. 1715b; Reorg. Plan 3 of 1947, 12 F. R. 4981)

This amendment to Part 521, Administrative Rules for Mutual Mortgage Insurance under Section 203 of the National Housing Act, is effective with respect to all applications filed on or after August 14, 1948.

Issued at Washington, D. C. July 27, 1948.

WALTER L. GREENE,
Acting Federal Housing
Commissioner.

[F. R. Doc. 48-6897; Filed, July 30, 1948;
8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Secretary of Defense

[Transfer Order 19]

ORDER TRANSFERRING LOYALTY AND SECURITY FUNCTIONS PERTAINING TO CIVILIAN EMPLOYEES FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Public Law 253, 80th Cong.) and in order to effect transfers authorized or directed therein, it is hereby ordered as follows:

1. Subject to the provisions of paragraph 2 hereof, there are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force all functions, powers and duties relating to loyalty of civilian employees and protection of the national security, insofar as they may pertain to civilian employees of the Department of the Air Force or the United States Air Force, which are vested in the Secretary of the Army, the Department of the Army or any officer of that Department by the following laws, parts of laws and Executive orders:

(a) Act of December 17, 1942, c. 739, sec. (56 Stat. 1053; 5 U. S. C. Supp. V 652 note).

(b) Second and third provisos of subsection 4 (a) of the act of July 2, 1940 (54 Stat. 713; 5 U. S. C. 653).

(c) Executive Order 9835, March 21, 1947 (12 F. R. 1935).

2. The Secretary of the Army shall retain jurisdiction to dispose of any pending proceeding involving an employee of the Department of the Air Force or United States Air Force against whom removal action shall have been taken by the Secretary of the Army under the act of December 17, 1942, prior to the effective date of this order.

3. The Secretary of the Army, the Secretary of the Air Force, or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installa-

tions, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

4. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

5. This order shall be effective as of 12:00 noon, September 1, 1948.

JAMES FORRESTAL,
Secretary of Defense.

JULY 23, 1948.

[F. R. Doc. 48-6891; Filed, July 30, 1948;
8:46 a. m.]

Chapter VI—Selective Service System

OFFICE OF SELECTIVE SERVICE RECORDS REGULATIONS

NOTICE OF EXPIRATION

Pursuant to the provisions of § 2.21 (b), Code of Federal Regulations (11 F. R. 9837), and by reason of the provisions of section 10 (a) (4) of Title I of the Selective Service Act of 1948 (Pub. Law 759; 80th Cong.), approved June 24, 1948, under which the functions of the Office of Selective Service Records and of the Director of the Office of Selective Service Records were transferred to the Selective Service System and the Director of Selective Service, respectively, and the Office of Selective Service Records ceased to exist, notice is hereby given that all Office of Selective Service Records Regulations filed with and published in the FEDERAL REGISTER in Title 32, National Defense, Chapter VI, Office of Selective Service Records, expired by operation of law on June 24, 1948.

LEWIS B. HERSHEY,
Director.

JULY 27, 1948.

[F. R. Doc. 48-6903; Filed, July 30, 1948;
8:48 a. m.]

PERSONNEL, ADMINISTRATION, AND REGISTRATION

By virtue of the provisions of Title I of the Selective Service Act of 1948 (Pub. Law 759, 80th Cong.) and the authority vested in me by the regulations prescribed by the President thereunder, I hereby prescribe the following regulations, which shall be a portion of the Selective Service Regulations, and which shall constitute portions of Parts 604, 606, 609, 612 and 617, and Parts 605, 607, 608, 610, and 619 of Title 32, chapter VI, Code of Federal Regulations:

PART 604—SELECTIVE SERVICE OFFICERS NATIONAL ADMINISTRATION

Sec.
604.1 Director of Selective Service.

STATE ADMINISTRATION

604.11 Governor.
604.12 State Director of Selective Service.
604.13 State Director of Selective Service for New York City.
604.14 Staff of State Headquarters for Selective Service.

APPEAL BOARDS

Sec.
604.21 Area.
604.22 Composition and appointment.
604.23 Designation.
604.24 Jurisdiction.
604.25 Disqualification.
604.26 Organization and meeting.
604.27 Minutes of meetings.
604.28 Signing official papers.

MEDICAL ADVISORS TO THE STATE DIRECTORS OF SELECTIVE SERVICE

604.31 Medical advisors to the State Directors of Selective Service.

ADVISORS TO REGISTRANTS

604.41 Appointment and duties.

LOCAL BOARDS

604.51 Area.
604.52 Composition and appointment.
604.53 Designation.
604.54 Jurisdiction.
604.55 Disqualification.
604.56 Organization and meetings.
604.57 Oath of witnesses.
604.58 Minutes of meetings.
604.59 Signing official papers.

MEDICAL ADVISORS TO THE LOCAL BOARDS

604.61 Medical advisors to the local boards.
604.62 Disqualification.

GOVERNMENT APPEAL AGENTS

604.71 Appointment and duties.

INTERPRETERS

604.81 Authorization and oath.

NOTE: For the text of sections listed in the above table and not appearing in this document, see E. O. 9979, July 20, 1948, 13 F. R. 4177.

AUTHORITY: §§ 604.23, 604.25 to 604.28, inclusive, 604.53, 604.55 to 604.59, inclusive, 604.62, and 604.81 issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

APPEAL BOARDS

§ 604.23 *Designation.* (a) The appeal board for a State shall be called "Appeal Board for the State of _____," and the appeal board for the City of New York, if so established, shall be called "Appeal Board for the City of New York."

(b) Where the appeal board consists of more than one panel, each panel shall be given the designation "Appeal Board for the State of _____, Panel No. _____," or, if established, "Appeal Board for the City of New York, Panel No. _____," as the case may be, in numerical sequence.

§ 604.25 *Disqualification.* No member of an appeal board shall act on the case of a registrant who is his first cousin or closer relation, either by blood, marriage, or adoption, or who is an employer, employee, or fellow employee, or stands in the relationship of superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of such provision, or for any other reason, an appeal board cannot act on the case of a registrant, and there is no panel of the appeal board to which the case may be transferred, the appeal board shall transmit such case to the State Director

of Selective Service for transfer to another appeal board.

§ 604.26 *Organization and meeting.* Each appeal board or panel shall elect a chairman and a secretary. A majority of the members of an appeal board or panel when present at any meeting shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on a question or classification, the board shall postpone action until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the board, the chairman of the board or panel concerned shall recommend to the State Director of Selective Service that such member be removed and a new member appointed.

§ 604.27 *Minutes of meetings.* Each appeal board or panel of an appeal board shall keep minutes of each of its meetings.

§ 604.28 *Signing official papers.* Official papers issued by an appeal board or panel may be signed by the clerk "By direction of the Appeal Board", if he is authorized to do so by a resolution duly adopted by and entered in the minutes of such appeal board or panel, provided that the chairman or a member of an appeal board or panel must sign a particular paper when specifically required to do so by the provisions of a regulation or by an instruction issued by the Director of Selective Service.

LOCAL BOARDS

§ 604.53 *Designation.* The State Director of Selective Service shall assign each local board and each intercounty local board within the State a specific identifying number by which it shall be known. Such identifying numbers shall be assigned in numerical sequence beginning with the numeral 1.

§ 604.55 *Disqualification.* (a) No member of a local board shall act on the case of a registrant who is his first cousin or closer relation, either by blood, marriage, or adoption, or who is an employee or employer, or who is a fellow employee, or stands in the relation of superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of this provision a majority of a local board cannot act on the case of a registrant, the local board shall request the State Director of Selective Service to designate another local board to which the registrant shall be transferred for action on his case.

(b) The local board shall be disqualified to consider the classification of any registrant who is a government appeal agent, associate government appeal agent, advisor to registrants, or employee of such local board and in each such case it shall advise the State Director of Selective Service of its dis-

qualification. The State Director of Selective Service shall then designate another local board to classify such registrant, and the registrant shall be transferred for classification to the local board thus designated.

§ 604.56 *Organization and meetings.* Each local board shall elect a chairman and a secretary. A majority of the members of the local board shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question or classification. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the board shall postpone action on the question or classification until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the local board, the chairman of the local board shall recommend to the State Director of Selective Service that such member be removed and a new member appointed.

§ 604.57 *Oath of witnesses.* A member of the local board shall administer the following oath to every person testifying before the local board:

You swear (or affirm) that the evidence you give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

§ 604.58 *Minutes of meetings.* Each local board shall keep a record of each meeting of the board on Local Board Actions and Minutes (SSS Form No. 112) which shall be filed by the local board as minutes of its meetings.

§ 604.59 *Signing official papers.* Official papers issued by a local board may be signed by the clerk of the local board "By direction of the Local Board," if he is authorized to do so by resolution duly adopted by and entered in the minutes of the meetings of the local board, provided that the chairman or a member of the local board must sign a specific paper when specifically required to do so by the provisions of a regulation or by an instruction issued by the Director of Selective Service.

MEDICAL ADVISORS TO THE LOCAL BOARDS

§ 604.62 *Disqualification.* No medical advisor to the local board shall advise a local board regarding the physical or mental condition of any registrant who is his first cousin or a closer relation either by blood, marriage, or adoption, or who is an employee or employer or stands in relation of superior or subordinate in connection with any employment, or is a partner or close business associate of such medical advisor to the local board.

INTERPRETERS

§ 604.81 *Authorization and oath.* (a) When necessary, the local board is authorized to use interpreters.

(b) The following oath shall be administered to an interpreter each time he is used by a local board:

You swear (or affirm) that you will truly interpret in the matter now in hearing. So help you God.

PART 605—COMPENSATED CIVILIAN EMPLOYEES

EMPLOYMENT IN GENERAL

Sec. 605.1 Appointment and tenure.

COMPENSATION IN GENERAL

605.11 Fixing compensation.

NATIONAL HEADQUARTERS EMPLOYEES

605.21 Appointment and tenure.

EMPLOYEES OF STATE HEADQUARTERS AND OTHER OFFICES WITHIN THE STATE

605.31 Appointment and tenure of employees of State Headquarters and other offices within the State.

AUTHORITY: §§ 605.1, 605.11, 605.21, and 605.31 issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

EMPLOYMENT IN GENERAL

§ 605.1 *Appointment and tenure.* (a) All civilian officers and employees engaged in carrying out the functions of the Selective Service System who receive compensation from the United States for their services as such shall be appointed in accordance with the provisions of the Federal Civil Service Laws and the regulations of the United States Civil Service Commission issued pursuant thereto. Persons entitled to veterans' preference under the provisions of the Veterans' Preference Act of 1944 shall be given preference in employment and separation from employment.

(b) Several statutory provisions prohibit or restrict the receipt of dual compensation from the United States, therefore, no person receiving salary or compensation from the United States Government shall be appointed to the Selective Service System without prior approval of the Director of Selective Service.

COMPENSATION IN GENERAL

§ 605.11 *Fixing compensation.* (a) The compensation of all positions, with the exception of positions in local board and appeal board offices, shall be fixed in accordance with the Classification Act of 1923, as amended.

(b) The compensation of all positions in local board and appeal board offices shall be fixed by the State Director of Selective Service in accordance with instructions given and limitations imposed by the Director of Selective Service.

NATIONAL HEADQUARTERS EMPLOYEES

§ 605.21 *Appointment and tenure.* The Director of Selective Service shall determine the number and duties of compensated civilians to be employed by National Headquarters for Selective Service, and may designate an appointing officer to employ individuals approved by him or pursuant to his direction to fill such positions.

EMPLOYEES OF STATE HEADQUARTERS AND OTHER OFFICES WITHIN THE STATE

§ 605.31 *Appointment and tenure of employees of State Headquarters and other offices within the State.* (a) In accordance with instructions given and limitations imposed by the Director of

Selective Service, the State Director of Selective Service shall determine the number and duties of compensated civilian employees to fill positions in the State Headquarters for Selective Service, appeal boards, local boards, and other selective service offices within the State. The State Director of Selective Service may designate an appointing officer to employ individuals approved by him or pursuant to his direction to fill such positions.

(b) Except with the prior approval of the State Director of Selective Service, no person shall be employed in any compensated position in any local board office or appeal board office who is related to any member of the local board or appeal board as close as or closer, by blood, marriage or adoption than a first cousin; provided, this paragraph shall not apply to any veteran or former member of the Merchant Marine who under the laws of the United States has restoration rights to his former position with the local board or appeal board.

(c) The State Director of Selective Service, when he deems it to be in the best interest of the Selective Service System, may authorize the appointment of individuals to serve for two or more local boards.

PART 606—GENERAL ADMINISTRATION

GENERAL

Sec. 606.1 Administration of oaths generally.

COMMUNICATIONS

606.11 Letters.
606.12 Telegrams, radiograms, and cablegrams.
606.13 Long distance telephone.
606.14 Personal messages.

RECORDS IN GENERAL

606.21 Records to be maintained.
606.22 Protection of records.
606.23 Entries on records.
606.24 Signatures.

CONFIDENTIAL RECORDS

606.31 What records confidential.
606.32 Availability and use of confidential records and information.
606.33 Forwarding registrant's file to State Director of Selective Service.
606.34 Waiver of confidential nature of information.
606.35 Subpoena of records.
606.36 Dependency; when information not confidential.
606.37 Disclosure or furnishing of information relating to physical or mental condition.
606.38 "Disclose," "furnish," and "examine" defined.
606.39 Searching or handling records.
606.40 Furnishing lists of registrants.

SELECTIVE SERVICE FORMS

606.51 Forms made part of regulations.
606.52 Special forms must be authorized.

NOTE: For the text of § 606.51 listed in the above table and not appearing in this document, see E. O. 9979, July 20, 1948, 13 F. R. 4177.

AUTHORITY: §§ 606.1, 606.11 to 606.14, inclusive, 606.21 to 606.24, inclusive, 606.31 to 606.40, inclusive, and 606.52 issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

GENERAL

§ 606.1 *Administration of oaths generally.* (a) Unless a specified person is

designated to administer an oath required under the provisions of the regulations in this chapter, any civil officer authorized to administer oaths generally, any commissioned officer of the armed forces assigned for duty with the Selective Service System, any member or clerk of a local board or appeal board, any government appeal agent or associate government appeal agent, any advisor to registrants, any postmaster, acting postmaster, or assistant postmaster, may administer such oath.

(b) Whenever an oath is required, an affirmation in judicial form, if made by a person having conscientious scruples against the taking of oaths, shall be sufficient compliance.

(c) No fee or charge shall be made for the administration of oaths in the execution of the selective service law.

COMMUNICATIONS

§ 606.11 *Letters.* Communication should generally be by letter. Official letters in execution of the selective service law may be sent in official penalty envelopes.

§ 606.12 *Telegrams, radiograms, and cablegrams.* Official telegrams, radiograms, and cablegrams may be used for official business when speed is essential. The probable hour when the addressee will actually receive such a message, as compared to the probable hour when he would receive an ordinary or air mail letter, should be considered. Reasonable economy is necessary, and a more complete statement can usually be made in a letter.

§ 606.13 *Long distance telephone.* Long distance telephone service may be used for official business at Government expense when absolutely essential. It is relatively very expensive and much more subject to faulty understanding between the parties than are written messages.

§ 606.14 *Personal messages.* No personal inquiries or messages shall be sent by official envelope, or at Government expense by telegram, radiogram, cablegram, or telephone. Messages regarding leave of absence, payment of salary or expense account, and similar messages fall under this prohibition.

RECORDS IN GENERAL

§ 606.21 *Records to be maintained.* (a) In addition to all other records required by the regulations in this chapter to be kept by selective service offices, each such office shall keep a full set of Selective Service Regulations and such forms as pertain to its functions. All such offices shall be required to keep up, day by day, amendments, memoranda, changes, and all other pertinent information published by the Director of Selective Service.

(b) Each selective service office shall retain all correspondence received and a copy of all correspondence sent in its files until authorization for its disposition is received from the Director of Selective Service.

§ 606.22 *Protection of records.* Selective service offices shall take all possible care to keep records from being lost or

destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or agency to which it is transmitted or delivered in his files in the place from which the record was withdrawn.

§ 606.23 *Entries on records.* Selective service offices shall make entries on records with typewriter, black ink, or rubber stamp, except where the use of one is specifically directed. Red ink shall be used only as specifically directed.

§ 606.24 *Signatures.* Signatures affixed to official papers of the Selective Service System must be written in pen and ink by the person signing. Rubber stamp facsimiles will not be used.

CONFIDENTIAL RECORDS

§ 606.31 *What records confidential.* Except as provided by law or by the regulations in this part, the records in a registrant's file and the information contained in such records shall be confidential.

§ 606.32 *Availability and use of confidential records and information.* (a) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, the following persons, namely:

(1) The registrant, or any person having written authority from the registrant.

(2) The legal representative of a deceased registrant upon presentation of letters testamentary or letters of administration, or, where there is no legal representative appointed for the estate of a deceased registrant, his next of kin; provided, that proof of the registrant's death and proof of the relationship of the next of kin to the registrant have been submitted and are in his file. For the purpose of this subparagraph, the next of kin to the registrant shall be limited to his widow, child, mother, father, brother, or sister.

(3) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System.

(4) United States Attorneys and their duly authorized representatives, including agents of the Federal Bureau of Investigation.

(5) Any other agency, official, or employee, or class or group of officials or employees, of the United States or any State or subdivision thereof, but only when and to the extent specifically authorized in writing by the State Director of Selective Service or the Director of Selective Service.

(b) Notwithstanding any other provisions of the regulations in this part, information contained in any record in a registrant's file may be disclosed or furnished to, or examined by, any person having specific written authority from the Director of Selective Service. No person shall use any information so disclosed, furnished, or examined for any purpose other than that designated in such written authority.

(c) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as a person, or as the authorized representative of an agency, entitled to so obtain such information.

§ 606.33 *Forwarding registrant's file to State Director of Selective Service.* A local board, on written request of the State Director of Selective Service of the State in which such local board is located, shall forward to such State Director of Selective Service the complete original file of any registrant under the jurisdiction of such local board.

§ 606.34 *Waiver of confidential nature of information.* The making or filing by or on behalf of a registrant of a claim or action for damages against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall be a waiver of the confidential nature of all selective service records of such registrant, and, in addition, all such records shall be produced in response to the subpoena or summons of the tribunal in which such claim or action is pending.

§ 606.35 *Subpoena of records.* (a) In the prosecution of a registrant or any other person for a violation of Title I of the Selective Service Act of 1948, the Selective Service Regulations, any orders or directions made pursuant to such act or regulations, or for perjury, all records of the registrant shall be produced in response to the subpoena or summons of the court in which such prosecution or proceeding is pending.

(b) Except as provided in paragraph (a) of this section, no officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpoena or summons of any court without the consent, in writing, of the registrant concerned, or of the Director of Selective Service.

(c) Whenever, under the provisions of this section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

§ 606.36 *Dependency; when information not confidential.* (a) The fact that dependency has been claimed and the names and addresses of the claimed dependents shall not be confidential and may be disclosed or furnished.

(b) Information as to dependents or home conditions of a registrant shall be furnished to a representative of the American National Red Cross who has been authorized by the Army, Air Force, Navy, or Marine Corps to investigate the registrant's request for separation from

active service or discharge from the armed forces. For the purpose of such investigation, information so given shall not be considered confidential as to the investigator. The investigator shall not be permitted to examine the registrant's file, but any information contained therein relating to his dependents or home conditions will be furnished orally during a consultation with members of the local board or their authorized representative.

§ 606.37 *Disclosure or furnishing of information relating to physical or mental condition.* Information relating to the physical or mental condition of a registrant may be disclosed or furnished to the appropriate civil authorities by a medical advisor to the State Director of Selective Service or a medical advisor to the local board where he is required by law to report diseases or defects noted therein.

§ 606.38 *"Disclose," "furnish," and "examine" defined.* When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the local board or appeal board as the case may be.

§ 606.39 *Searching or handling records.* Except as specifically provided in the regulations in this part or by written authority of the Director of Selective Service, no person shall be entitled to search or handle any record.

§ 606.40 *Furnishing lists of registrants.* Lists of registrants may be prepared and posted or furnished only as provided in the regulations in this part or in accordance with written instructions from the Director of Selective Service.

SELECTIVE SERVICE FORMS

§ 606.52 *Special forms must be authorized.* Whenever local conditions make necessary a form not included in the Selective Service Regulations, the office concerned shall submit a copy of the proposed form, with a full statement of the necessity and proposed use, through State Headquarters for Selective Service to the Director of Selective Service. The form shall not be used until approved by the Director of Selective Service.

PART 607—FINANCE ADMINISTRATION

- Sec.
607.1 Disbursement of funds.
607.2 State Director of Selective Service may authorize certain expenditures.
607.3 State procurement officer.
607.4 Limitation on obligations.
607.5 Report of obligations.

AUTHORITY: §§ 607.1 to 607.5, inclusive, issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

§ 607.1 *Disbursement of funds.* Disbursement of funds appropriated for the operation of the Selective Service System will be made by the Chief of Finance, United States Army, through designated finance officers. Disbursements shall be made in accordance with United States Government fiscal procedures and such rules and regulations pertaining thereto as may be prescribed by the Director of Selective Service.

§ 607.2 *State Director of Selective Service may authorize certain expenditures.* Subject to the provisions of applicable regulations and to any limitation imposed by the Director of Selective Service, the State Director of Selective Service may authorize such lawful expenditures as he determines to be necessary for the operation and maintenance of the Selective Service System in his State.

§ 607.3 *State procurement officer.* The State Director of Selective Service shall assign an individual as State procurement officer who shall perform fiscal, purchasing, contracting and supply functions. Whenever an individual who is a civilian is to be so assigned, he shall be appointed to the position of State procurement officer by the Director of Selective Service upon recommendation of the State Director of Selective Service. The State procurement officer shall certify vouchers for payment by the designated finance officer and shall be the accountable officer for property purchased by, transferred or loaned to, the Selective Service System. He shall perform such other duties as may be assigned by the State Director of Selective Service. Before entering upon his duties, the State procurement officer shall give bond to the United States in the amount of \$5,000.00 for the faithful performance of his duties. The bond shall be filed with the Director of Selective Service.

§ 607.4 *Limitation on obligations.* Obligations may be incurred only for purposes authorized by law and in amounts not in excess of funds authorized by the Director of Selective Service.

§ 607.5 *Report of obligations.* A report of obligations incurred shall be submitted by each State Director of Selective Service at such times and in such manner as the Director of Selective Service may prescribe.

PART 608—PAYMENT FOR PERSONAL SERVICES

- Sec.
608.1 Payments.
608.2 Certifying officer.
608.3 Duties of certifying officer.
608.4 Time and attendance reports.

AUTHORITY: §§ 608.1 to 608.4, inclusive, issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

§ 608.1 *Payments.* Compensated civilian personnel of the Selective Service System shall be paid on bi-weekly pay rolls in accordance with instructions issued by the Director of Selective Service.

§ 608.2 *Certifying officer.* The State Director of Selective Service shall assign an individual as civilian pay roll certifying officer.

§ 608.3 *Duties of certifying officer.* The civilian pay roll certifying officer shall be responsible for the keeping of records pertaining to earnings, leave, income tax withholding, retirement, and bond purchases of civilian personnel. He shall certify pay rolls prepared from time and attendance reports submitted by each field and other reporting organization and shall be held financially liable for the accounts and legality of payments which he certifies. He shall perform such other duties as may be prescribed. Before entering upon his duties, the civilian pay roll certifying officer shall give bond to the United States, in the amount of \$5,000.00, for the faithful performance of his duties. The bond shall be filed with the Director of Selective Service.

§ 608.4 *Time and attendance reports.* Time and attendance reports for all compensated civilian personnel shall be submitted in such form and at such time as are prescribed by the Director of Selective Service. Time and attendance reports shall be certified by those persons designated by the State Director of Selective Service.

PART 609—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

PROPERTY, EQUIPMENT, SUPPLIES, OFFICE SPACE, AND SERVICES

- Sec.
609.1 Procurement.
609.2 Requisitions.
609.11 Lease of offices.
609.12 Alterations, improvements and repairs.

TELEPHONE AND TELEGRAPH IN STATE OFFICES

- 609.21 Telephone; authorization.
609.22 Certification of bills.

VOUCHERING PROCEDURE

- 609.31 Invoices and other claims.

TRAVEL AND SUBSISTENCE

- 609.41 Travel; authorization.
609.42 Travel and subsistence expenses.
609.43 Special provisions concerning travel and subsistence expenses.
609.44 Government requests for transportation.
609.45 Government requests for meals or lodgings for civilian registrants.

EMERGENCY MEDICAL CARE, HOSPITALIZATION, AND TRANSPORTATION AND BURIAL OF REMAINS

- 609.51 Claims.

NOTE: For the text of § 609.51 listed in the above table and not appearing in this document, see E. O. 9979, July 20, 1948, 13 F. R. 4177.

AUTHORITY: §§ 609.1, 609.2, 609.11, 609.12, 609.21, 609.22, 609.31 and 609.41 to 609.45, inclusive, issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

PROPERTY, EQUIPMENT, SUPPLIES, OFFICE SPACE, AND SERVICES

§ 609.1 *Procurement.* (a) The procurement of necessary property, equipment, supplies, office space and services for the Selective Service System shall be accomplished under the direction of the Director of Selective Service and only by his duly authorized representatives.

(b) In each State the procurement of property, equipment, supplies, office space and services, unless otherwise provided

for by regulations or instructions of the Director of Selective Service, shall be performed by the State procurement officer under the direction of the State Director of Selective Service.

(c) No contract shall be negotiated or entered into for the procurement of supplies or services from any firm or company with which any person authorizing or making the purchase is in any way connected as a member, officer, agent, or employee.

(d) Except when individual circumstances justify other action, the procurement of property, equipment, and supplies shall be accomplished through the Bureau of Federal Supply.

(e) The purchase of supplies and equipment procured, mined, or manufactured outside the United States is prohibited by law.

(f) The selective service law permits the Selective Service System to accept, by loan or gift, equipment and supplies.

§ 609.2 Requisitions. Equipment, supplies, and services required by selective service offices within the State will be obtained by requisition on the State procurement officer.

§ 609.11 Lease of offices. (a) When practicable, the offices of State Headquarters, local boards, and appeal boards should be located in rent-free premises.

(b) When premises for offices cannot be secured rent-free, they may be leased in the manner prescribed by the Director of Selective Service.

§ 609.12 Alterations, improvements and repairs. The State Director of Selective Service may authorize in writing alterations, improvements, and repairs to State Headquarters, local board, and appeal board premises in an accumulated amount not to exceed \$100 per premises. This limitation shall not be exceeded unless and until specifically approved in writing by the Director of Selective Service.

TELEPHONE AND TELEGRAPH IN STATE OFFICES

§ 609.21 Telephone; authorization. (a) A telephone may be installed in State Headquarters for Selective Service and in the office of a local board or appeal board when requested by the chairman. Telephones shall be used for official business only.

(b) Contracts, when required, for telephone installation shall be executed by the State procurement officer on the Contract for Telephone Service (Standard Form No. 40) in quintuplicate. All copies of the contract shall be signed by the contracting parties and shall be distributed in accordance with instructions issued by the Director of Selective Service.

§ 609.22 Certification of bills. (a) Telephone and telegraph bills shall contain the following certificate signed by a person or class of persons designated by the State Director of Selective Service:

I certify that the above account is correct and that the service was rendered for prompt transaction of official business.

(b) With reference to long distance telephone tolls, attention is called to the following statutory provisions: " * * * hereafter no part of this or any other

appropriation for any executive department, establishment, or agency shall be used for the payment of long distance telephone tolls except for the transaction of public business which the interests of the Government require to be so transacted; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specially designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government." (Sec. 4, act of May 10, 1939, 53 Stat. 738; 31 U. S. C. 680 (a)).

(c) The Director of Selective Service will designate one or more certifying officers at State Headquarters for Selective Service for the purpose of executing the following prescribed certificate which shall support all payments of official long distance telephone calls:

Pursuant to section 4 of the act approved May 10, 1939, 53 Stat. 738, I certify that the use of the telephone for the official long distance calls listed herein was necessary in the interest of the Government.

(d) Telegrams, cablegrams, and radiograms on official business shall be endorsed "Selective Service System—Official Business—Government rate" and shall indicate the class of message (telegram, day letter, night letter). On the face of the message the sender shall make the following certificate:

I certify that this message is on official business necessary for the public service in the administration of the selective service law.

(Signature)

(Official title)

VOUCHERING PROCEDURE

§ 609.31 Invoices and other claims. Invoices and other claims for payment from Federal funds appropriated to the Selective Service System shall be vouchered and certified in accordance with instructions issued by the Director of Selective Service.

TRAVEL AND SUBSISTENCE

§ 609.41 Travel; authorization. (a) To the extent provided by appropriation made therefor, the following may authorize travel at Government expense in carrying out the functions of the Selective Service System:

(1) The Director of Selective Service or any other official designated by him.

(2) The State Director of Selective Service, for the travel of the personnel of the Selective Service System of his State, within the Army Area or Naval District in which his State is located, unless travel beyond the territorial limits of the Army Area or Naval District is required in answer to a subpoena issued by the United States District Court, or has been authorized by the Director of Selective Service.

(b) Travel of members of the armed forces assigned to duty with the Selective Service System shall be authorized in the manner prescribed by the Director of Selective Service.

§ 609.42 Travel and subsistence expenses. Except as otherwise provided

for by law or in § 609.43, the amount of travel and subsistence expense or the per diem allowance is fixed in Standardized Government Travel Regulations.

§ 609.43 Special provisions concerning travel and subsistence expenses. (a) The travel of a person serving without compensation in carrying out the functions of the Selective Service System shall be specifically authorized, and such person so authorized may be reimbursed in accordance with applicable law and regulations governing travel of uncompensated personnel at Government expense for transportation and traveling expenses incurred while traveling on official business, including travel from home to the office of the board to which such person is assigned and return.

(b) The rates of the per diem in lieu of actual expenses for subsistence authorized by law and regulations represent the maximum allowable and not the minimum. It is the responsibility of the issuing official to authorize only such per diem rates as are justified by the nature of the travel. Care should be exercised to prevent the fixing of a per diem rate in excess of that required to meet the necessary authorized expenses.

(c) Members of the armed forces who are on active duty in the service of the United States and assigned to duty with the Selective Service System, when properly authorized to travel, shall be reimbursed from selective service funds at rates authorized by the Director of Selective Service.

§ 609.44 Government requests for transportation. Government requests for transportation shall be used for official travel by air, land and ocean, including inland waterways, and shall be issued only by those persons designated by the Director of Selective Service or the State Director of Selective Service for:

(a) Transportation of registrants.

(b) Travel of officers and employees engaged in carrying out the functions of the Selective Service System.

§ 609.45 Government requests for meals or lodgings for civilian registrants. Government requests for meals or lodgings for civilian registrants shall be issued only by a local board or a person duly authorized by the Director of Selective Service or the State Director of Selective Service. They shall be issued for purposes and in such values as the Director of Selective Service may prescribe.

* * * * *

PART 610—PROPERTY ACCOUNTABILITY

Sec.

610.1 Property of the United States.

610.2 Government property; responsibility and accountability.

610.3 Transfer of responsibility and accountability.

610.4 Nonexpendable property; lost, stolen, destroyed, damaged, or unserviceable.

610.5 Obsolete blank forms; disposition of.

AUTHORITY: §§ 610.1 to 610.5, inclusive, issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

§ 610.1 Property of the United States. (a) All equipment and supplies of whatever character acquired by the Selective Service System by purchase with Gov-

ernment funds, transfer from another Federal agency, or donation, are the property of the United States and shall be used solely for the transaction of Government business.

(b) All equipment and supplies shall be accounted for in the manner prescribed by the Director of Selective Service.

(c) The classification of property as between expendable and nonexpendable shall be determined by the Director of Selective Service.

§ 610.2 Government property; responsibility and accountability. (a) The State Director of Selective Service shall designate for each selective service office in the State an officer or a compensated civilian employee who shall be responsible to the State procurement officer for property of the United States in the possession of that office.

(b) The State procurement officer shall be accountable to the State Director of Selective Service for all United States Government property purchased by, or issued, transferred, or donated to, the Selective Service System within his State and shall keep accurate records of such property and render such reports as may be prescribed by the Director of Selective Service.

§ 610.3 Transfer of responsibility and accountability. The transfer of responsibility and accountability for Government property shall be accomplished in the manner prescribed by the Director of Selective Service.

§ 610.4 Nonexpendable property; lost, stolen, destroyed, damaged, or unserviceable. Whenever any article of nonexpendable property is lost, stolen, destroyed, damaged, or becomes unserviceable through fair wear and tear in service it shall be cleared from the records by means of a report of survey. The reports of survey shall be prepared and processed in accordance with instructions issued by the Director of Selective Service.

§ 610.5 Obsolete blank forms; disposition of. Obsolete blank forms and other printed matter shall be disposed of only as ordered by the Director of Selective Service.

PART 612—REGISTRATION DUTIES

NATIONAL DUTIES

Sec.
612.1 Responsibility of Director of Selective Service.

STATE DUTIES

612.11 Responsibility of State Director of Selective Service.

LOCAL BOARD DUTIES

612.21 Duties of chairman of local board.
612.22 Establishing and making ready places of registration.
612.23 Registrars.
612.24 Interpreters.
612.25 Care and custody of registration cards and registration certificates.

NOTE: For the text of § 612.1 listed in the above table and not appearing in this document, see E. O. 9979, July 20, 1948, 13 F. R. 4177.

AUTHORITY: §§ 612.11 and 612.21 to 612.25, inclusive, issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

STATE DUTIES

§ 612.11 Responsibility of State Director of Selective Service. The State Director of Selective Service shall supervise the registration of persons who present themselves for registration before local boards in his State. Each State Director of Selective Service may, with the approval of the Director of Selective Service, make such modifications of the procedures outlined in the regulations contained in this part as may be necessary in order to properly effect a complete registration.

LOCAL BOARD DUTIES

§ 612.21 Duties of chairman of local board. (a) Whenever the President by proclamation or other public notice fixes a day or days for registration, the chairman of the local board, under the general supervision and direction of the State Director of Selective Service, shall take necessary action to prepare for registration in his local board area. On the day or days fixed for registration, he shall supervise the registration of those persons who present themselves for registration.

(b) No expense shall be incurred in connection with the registration except upon the prior approval of the State Director of Selective Service.

§ 612.22 Establishing and making ready places of registration. (a) The chairman of the local board shall procure, designate, and establish within the boundaries of the area of his local board as many suitable places of registration as are necessary for the efficient accomplishment of the registration.

(b) The chairman of the local board shall make certain that all places of registration are made ready prior to the time fixed for registration and are open on the day or days and during the hours fixed for registration in the Presidential proclamation.

§ 612.23 Registrars. (a) Any member or compensated employee of a local board may perform the duties of registrar without special appointment. The chairman of the local board may appoint as registrars qualified persons whose services can be secured without compensation. When the services of registrars cannot be secured without compensation, the chairman of the local board will recommend the appointment by the State Director of Selective Service of registrars on a compensated basis. Compensated employees of the local board shall serve as registrars whenever possible in lieu of appointing other persons as registrars to serve with compensation.

(b) Each person who is appointed as registrar to serve without compensation shall sign an Oath of Office and Waiver of Pay (SSS Form No. 400) before being sworn or undertaking any duties as registrar.

(c) Each person appointed as registrar, before entering upon his duties, shall take the following oath:

I, _____ do solemnly swear (or affirm) that I will faithfully perform the duties of registrar of Local Board No. _____; that I will correctly record the answers given me by persons registered; that I will indicate on every Registration

Card (SSS Form No. 1) answers that I believe to be untrue; and that I will truthfully answer and record matters charged to my own observation.

(d) For each place of registration the chairman of the local board shall designate a chief registrar who shall be responsible to him for the proper conduct of the registration at each such place.

(e) The chairman of the local board shall see that all registrars are instructed in their duties and are familiar with the regulations and procedures governing the registration.

§ 612.24 Interpreters. Whenever the service of interpreters are necessary in conducting the registration, the chairman of the local board may appoint such interpreters as may be necessary pursuant to the provisions of § 604.81 of this chapter.

§ 612.25 Care and custody of registration cards and registration certificates. The chairman of the local board is charged with the care and custody of the Registration Cards (SSS Form No. 1) and the Registration Certificates (SSS Form No. 2) received by him from the State Director of Selective Service. He shall guard against their loss or destruction and shall not permit anyone to tamper with them and shall warn all persons concerned against entrusting them to the custody of unauthorized persons.

PART 617—REGISTRATION CERTIFICATE

IN GENERAL

Sec.

617.1 Effect of failure to have Registration Certificate in personal possession.

ISSUING A DUPLICATE OF OR EXCHANGING A REGISTRATION CERTIFICATE

617.11 Issuing duplicate for lost, mislaid, stolen, or destroyed Registration Certificate.

617.12 Action by local boards when SSS Form No. 5 is filed.

617.13 Issuing a new Registration Certificate in exchange for one issued by a superintendent or warden of an institution.

NOTE: For the text of the § 617.1 listed in the above table and not appearing in this document, see E. O. 9979, July 20, 1948, 13 F. R. 4177.

AUTHORITY: §§ 617.11 to 617.13, inclusive, issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

ISSUING A DUPLICATE OF OR EXCHANGING A REGISTRATION CERTIFICATE

§ 617.11 Issuing duplicate for lost, mislaid, stolen, or destroyed Registration Certificate. A duplicate Registration Certificate (SSS Form No. 2) shall be issued to a registrant by the local board having jurisdiction of the registrant upon application made on Application for Issuance of Duplicate Registration Certificate (SSS Form No. 5) and the presentation of satisfactory proof to the local board that the Registration Certificate (SSS Form No. 2) of the registrant has been lost, mislaid, stolen, or destroyed, and that the registrant has made a diligent search for the Registration Certificate (SSS Form No. 2) and has been unable to find it. If the local

board issues a duplicate Registration Certificate (SSS Form No. 2), it shall mark it "Duplicate" and note the issuance of such Registration Certificate (SSS Form No. 2) upon the application which shall be filed in the registrant's Cover Sheet (SSS Form No. 101).

§ 617.12 *Action by local boards when SSS Form No. 5 is filed.* A registrant may complete and file an Application for Issuance of Duplicate Registration Certificate (SSS Form No. 5) at his own or any other local board. If the registrant files Application for Issuance of Duplicate Registration Certificate (SSS Form No. 5) at any local board other than the local board with which he is registered, the local board with which such application is filed shall immediately mail the application to the State Director of Selective Service in whose State is located the local board shown on the application as the local board with which the registrant is registered, for transmission to the proper local board. Upon receipt of a completed Application for Issuance of Duplicate Registration Certificate (SSS Form No. 5), the local board with which the registrant is registered shall issue a duplicate Registration Certificate (SSS Form No. 2) to such registrant. If the registrant has filed the application at his local board, the local board shall deliver the duplicate Registration Certificate (SSS Form No. 2) to him in person. If the registrant has filed the application through another local board, the duplicate Registration Certificate (SSS Form No. 2) shall be mailed to him at his mailing address.

§ 617.13 *Issuing a new Registration Certificate in exchange for one issued by a superintendent or warden of an institution.* Any registrant receiving a Registration Certificate (SSS Form No. 2) issued by the superintendent, warden, or person designated to act as registrar of an insane asylum, jail, penitentiary, or similar institution, may exchange it for a Registration Certificate (SSS Form No. 2) issued by the local board having jurisdiction of the place of residence described on line 2 of his Registration Card (SSS Form No. 1), provided such local board has in its records the original Registration Card (SSS Form No. 1) of such registrant. Upon the request of a registrant for such an exchange and upon the surrender of the Registration Certificate (SSS Form No. 2) issued by a superintendent, warden, or person so designated, the local board shall write "Canceled" across the face thereof and file such certificate in the Cover Sheet (SSS Form No. 101). The local board shall then issue a new Registration Certificate (SSS Form No. 2) to the registrant. The date of registration entered on the new Registration Certificate (SSS Form No. 2) shall be the same as that shown on the canceled certificate.

PART 619—CANCELLATION OF REGISTRATION

Sec.

- 619.1 Cancellation on determination of local board.
- 619.2 General nature of determination.
- 619.11 When cancellation authorized by Director of Selective Service.

Sec.

- 619.12 Cancellation of duplicate registration when registrant has previously registered improperly.
- 619.13 Cancellation of duplicate registration when registrant has subsequently registered improperly.
- 619.14 Cancellation of duplicate registration when registrant inducted.
- 619.15 Cancellation of duplicate registration when registrant found unacceptable for service.
- 619.16 Cancellation of duplicate registration when registrant enlisted or inducted while registered with another local board.
- 619.17 Cancellation of duplicate registration when registrant prosecuted and convicted for delinquency.
- 619.18 Additional action by local board following cancellation of duplicate registration.

AUTHORITY: §§ 619.1 to 619.2, inclusive, and 619.11 to 619.18, inclusive, issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

CANCELLATION OF REGISTRATION

§ 619.1 *Cancellation on determination of local board.* (a) The Director of Selective Service, the State Director of Selective Service, or the registrant, may file with the registrant's local board a written request for a determination that the registrant is a person not required by law to be registered. Upon the filing of such a request the local board shall, or if such a request has not been filed, the local board may upon its own motion, make a determination (1) that the registrant is a person required by law to be registered, or, (2) that the registrant is not a person required by law to be registered.

(b) Upon making such a determination the local board shall mail notice thereof to the State Director of Selective Service and to the registrant. If the Director of Selective Service made a request for such a determination, the local board shall also mail the Director of Selective Service notice thereof.

(c) If the local board makes a determination that the registrant is not a person required by law to be registered, it shall cancel his registration when the time within which the registrant may take an appeal from such determination to the appeal board and to the President has expired, or if an appeal from such determination has been taken, when it has been determined upon appeal that the registrant is a person not required by law to be registered.

(d) In cancelling the registration of a registrant under this section, the local board shall (1) write across the face of his Regulation Card (SSS Form No. 1) "Canceled—Sec. 619.1 SS Reg. Date _____"; (2) take up and cancel the Registration Certificate (SSS Form No. 2) if issued and available; (3) report the cancellation on Local Board Actions and Minutes (SSS Form No. 112) and on Local Board Action Report (SSS Form No. 112-A); and (4) retain the entire file of the registrant.

§ 619.2 *General nature of determination.* (a) Whenever under the provisions of § 619.1 a local board is considering the question of whether the registrant is a person required by law

to be registered, it shall apply the pertinent provisions of § 611.1 of this chapter. Ordinarily, the issue involved will be whether the registrant is within an age group required to be registered or whether he is one of the persons exempt by law from registration.

(b) As set forth in § 611.1 of this chapter, section 6 (a) of Title I of the Selective Service Act of 1948 provides that certain persons are not required to be registered so long as they have a certain status. If such a person has improperly registered at a time when he was exempt from registration, and there has been no subsequent change in his status which would render him liable for registration, a determination that he is a person not required by law to be registered and the cancellation of his registration following such a determination is proper. However, if a person has registered at a time when he was required by law to present himself for and submit to registration, the fact that thereafter he has acquired a status within one of the groups of persons exempt from registration does not furnish a basis for the cancellation of his registration.

(c) A person under 18 years of age is not a person required by law to be registered, and a determination to that effect upon proper application or upon the local board's own motion at a time when the registrant is still under 18 years of age will usually follow as a matter of course. However, if such a person has been inducted into and remains in the armed forces as the result of his premature registration, local boards shall not initiate action in such a case, and in no event shall the registration be cancelled so long as such person remains in the armed forces.

§ 619.11 *When cancellation authorized by Director of Selective Service.* The Director of Selective Service may authorize or direct the cancellation by a local board of the registration of any particular registrant or of a registrant who comes within a specified group of registrants. Whenever the Director of Selective Service authorizes or directs the cancellation of the registration of any particular registrant or of a registrant within a specified group of registrants, the local board shall cancel the registration and shall take such other action as the Director of Selective Service may prescribe.

§ 619.12 *Cancellation of duplicate registration when registrant has previously registered improperly.* If a registrant has registered with a local board at a time when he was not required by law to present himself for and submit to registration, his registration is improper, and if such a registrant subsequently registers properly with the same or another local board which has jurisdiction over his place of residence at a time when he is required by law to present himself for and submit to registration, the local board with which he registered improperly, upon learning that such registration was improper and that he has properly registered with the same or another local board, shall, except as otherwise provided in §§ 619.14 through 619.17, cancel

his resignation and write across the face of his Registration Card (SSS Form No. 1) "Canceled—Duplicate Registration—Improperly Registered—Properly Registered Local Board No. --- (identify the local board at which he has properly registered) Date -----."

§ 619.13 *Cancellation of duplicate registration when registrant has subsequently registered improperly.* If a registrant has properly registered with a local board at a time when he was required by law to present himself for and submit to registration, and subsequent registration is improper, and a local board with which he has subsequently registered, upon learning that such registration was improper and that there is another existing valid registration with the same or another local board, shall, except as otherwise provided in §§ 619.14 through 619.17, cancel his improper registration and write across the face of his Registration Card (SSS Form No. 1) "Canceled—Duplicate Registration—Improperly Registered—Properly Registered Local Board No. --- (identify the local board at which he has properly registered) Date -----."

§ 619.14 *Cancellation of duplicate registration when registrant inducted.* If a registrant who is registered with two or more local boards has been inducted from one of such local boards, the other local board or local boards with which he is registered, upon learning of his induction, shall cancel his registration and write across the face of his Registration Card (SSS Form No. 1) "Canceled—Duplicate Registration—Inducted Local Board No. --- (identify the local board from which inducted) Date -----."

§ 619.15 *Cancellation of duplicate registration when registrant found unacceptable for service.* If a registrant who is registered with two or more local boards has responded to an order to report for a physical examination or for induction from one of such local boards and has been found disqualified for military service, the other local board or local boards with which he is registered, upon learning of his rejection for service, shall cancel his registration and write across the face of his Registration Card (SSS Form No. 1) "Canceled—Duplicate Registration—Delivered Local Board No. --- (identify the local board which delivered him) and Rejected. Date -----."

§ 619.16 *Cancellation of duplicate registration when registrant enlisted or inducted while registered with another local board.* If a registrant enlists or is inducted in the armed forces while registered with one local board and, upon being separated from active duty with the armed forces, registers with another local board or local boards, the local board or local boards, with which he registered after being separated from active duty with the armed forces, upon learning that he had enlisted or been inducted while registered with another local board, shall cancel his registration and write across the face of his Registration Card (SSS Form No. 1) "Canceled—Duplicate

No. 149—3

Registration—Enlisted (or Inducted) Local Board No. --- (identify the local board with which he was registered when enlisted or inducted) Date -----."

§ 619.17 *Cancellation of duplicate registration when registrant prosecuted and convicted for delinquency.* If a registrant who is registered with two or more local boards has become delinquent with one such local board and has been prosecuted and convicted for such delinquency, the other local board or local boards with which he is registered, upon learning of his prosecution and conviction, shall cancel his registration and write across the face of his Registration Card (SSS Form No. 1) "Canceled—Prosecuted and Convicted for Delinquency from Local Board No. --- (identify the local board from which he was prosecuted and convicted) Date -----."

§ 619.18 *Additional action by local board following cancellation of duplicate registration.* Whenever under the provisions of §§ 619.12 through 619.17 a local board cancels the duplicate registration of a registrant, it shall, in addition to writing across the face of the Registration Card (SSS Form No. 1) the reason for cancellation, take the following action:

- (a) Take up and cancel the Registration Certificate (SSS Form No. 2) if issued and available;
- (b) Report the cancellation on Local Board Actions and Minutes (SSS Form No. 112) and on Local Board Action Report (SSS Form No. 112-A);
- (c) Retain in its files the canceled Registration Card (SSS Form No. 1) and Registration Certificate (SSS Form No. 2); and
- (d) Transmit the remainder of the registrant's file to the local board with which he is still registered for inclusion in the registrant's Cover Sheet (SSS Form No. 101) with that local board.

The foregoing Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 27, 1948.

[F. R. Doc. 48-6904; Filed, July 30, 1948; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Transportation of Mails

PART 19—TRANSPORTATION OF MAILS

COMPREHENSIVE PLAN OF POSTMASTER GENERAL FOR TRANSPORTATION OF UNITED STATES MAIL BY RAILWAY COMMON CARRIERS IN PASSENGER TRAIN SERVICE

Whereas the Postmaster General, on July 29, 1948, filed with the Interstate Commerce Commission a notice of postponement until September 1, 1948, of the effective date of his comprehensive plan for the transportation of United States mail by railway common carriers in passenger train service, and it being found that compliance with the notice, public rule making procedure, and effective date

requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to public interest.

Now, therefore, it is ordered, That the paragraph specifying the effective date of the "Comprehensive Plan of Postmaster General for Transportation of United States Mail by Railway Common Carriers in Passenger Train Service" (13 F. R. 3868, 3870), be designated § 19.33, and amended to read as follows:

§ 19.33 *Effective date.* This plan shall take effect on September 1, 1948, and shall remain in force until modified by the Postmaster General in accordance with the needs of the Postal Service as determined by him. (39 Stat. 412, 419, 425-431; 39 U. S. C. 523-541, 542-568)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-6944; Filed, July 29, 1948; 12:42 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF CONCORD GRAPES AND RELATED VARIETIES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev. 40]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF CONCORD GRAPES OR RELATED VARIETIES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 9898, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.541 *Shipments of Concord grapes or related varieties.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971) or Items 370 and 375 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Concord grapes or related varieties when such carload freight is packed and loaded as shown below:

(a) Packed in baskets of approximately six pounds gross weight each and

loaded nine tiers high covering the entire floor space of the car; or

(b) Packed in baskets of approximately eighteen and one-half pounds gross weight each and loaded seven tiers high covering the entire floor space of the car; or

(c) Packed in bushel baskets and loaded four tiers high covering the entire floor space of the car; or

(d) Packed in trays of approximately thirty-five pounds gross weight each and loaded six tiers high covering the entire floor space of the car.

This General Permit ODT 18A, Revised-40 shall become effective August 2, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 28th day of July 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48-6905; Filed, July 30, 1948;
8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 1—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

PART 2—IMPORTATION AND SHIPMENT OF MIGRATORY AND OTHER SPECIES OF WILD- LIFE

REVISION OF REGULATIONS

CROSS REFERENCE: For order superseding §§ 1.1 to 1.10 and all of Part 2 of this chapter, see Proclamation 2801, *supra*, which also supersedes Proclamation 2616, as amended.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 951]

TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Correction

In F. R. Doc. 48-6328 appearing in the issue of Thursday, July 15, 1948, at page 4020, under *Findings and conclusions* change "12 F. R. 13568" in the fifth paragraph, 6th line from the bottom, to read "11 F. R. 13568."

FEDERAL SECURITY AGENCY

Social Security Administration

[20 CFR, Part 401]

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act approved June 11, 1946, that the regulation set forth in tentative form below is proposed to be prescribed by the Commissioner for Social Security, with the approval of the Federal Security Administrator, in lieu of present Regulation No. 1, as amended (20 CFR, Cum. Supp., Part 401). The proposed regulation is designed to amend the existing Regulation No. 1 by increasing to a limited extent the present authorization to disclose information acquired in the conduct of the old-age and survivors insurance program administered under Title II of the Social Security Act, and to clarify certain existing provisions of Regulation No. 1.

Prior to the final adoption of the proposed regulation, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner for Social Security, Washington 25, D. C., within a period of 30 days from

the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sections 205 (a), 1102, and 1106 of the Social Security Act (53 Stat. 1368, 49 Stat. 647, 53 Stat. 1398), section 4 of Reorganization Plan No. 2 of 1946 (60 Stat. 1095) and section 1 of Federal Security Agency Order 9, dated January 15, 1947.

[SEAL] A. J. ALTMAYER,
Commissioner for Social Security.

Approved: July 27, 1948.

J. DONALD KINGSLEY,
Acting Federal Security
Administrator.

Part 401 (Regulation No. 1) as amended (20 CFR, Cum. Supp., Part 401), is further amended to read as follows:

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Sec.

- 401.1 Prohibition against disclosure.
- 401.2 Authority for refund to disclose.
- 401.3 Information which may be disclosed and to whom.
- 401.4 Definitions.

SECTION 205 (A) OF THE SOCIAL SECURITY ACT

The Board shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

SECTION 205 (c) (1) OF THE ACT

On the basis of information obtained by or submitted to the Board, and after such verification thereof as it deems necessary, the Board shall establish and maintain records of the amounts of wages paid to each individual and of the periods in which such wages were paid and, upon request, shall inform any individual, or after his death shall inform the wife, child, or parent of such individual, of the amounts of wages of such individual and the periods of payments shown by such records at the time of such request.

SECTION 1102 OF THE ACT

The Secretary of the Treasury, the Secretary of Labor, and the Social Security Board,

respectively, shall make and publish such rules and regulations, not inconsistent with this act, as may be necessary to the efficient administration of the functions with which each is charged under this act.

SECTION 1106 OF THE ACT

No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or under regulations made under authority thereof, which has been transmitted to the Board by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Board or by any officer or employee of the Board in the course of discharging the duties of the Board, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Board or from any officer or employee of the Board, shall be made except as the Board may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both.

SECTION 5 (K) (3) OF THE RAILROAD RETIREMENT ACT

The (Railroad Retirement) Board and the Federal Security Administrator shall, upon request, supply each other with certified reports of records of compensation or wages and periods of service and of other records in their possession or which they may secure, pertinent to the administration of this section or title II of the Social Security Act as affected by paragraph (1).

SECTION 4 OF REORGANIZATION PLAN NO. 2 OF 1946

The functions of the Social Security Board in the Federal Security Agency, together with the functions of its Chairman, are transferred to the Federal Security Administrator and shall be performed by him or under his direction and control by such officers and employees of the Federal Security Agency as he shall designate. The Social Security Board is abolished.

SECTION 1 OF FEDERAL SECURITY AGENCY ORDER 9

The Social Security Administration shall be under the supervision and direction of the Commissioner for Social Security. The Commissioner shall have and perform, under the general supervision, direction, and control of the Federal Security Administrator,

all duties, powers, and functions transferred by Reorganization Plan No. 2 of 1946, effective July 16, 1946, to the Administrator from the Social Security Board, the Chairman of the Social Security Board * * * except * * *

§ 401.1 *Prohibition against disclosure.* No disclosure of any return or portion of a return (including information returns or other written statements) filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or the Federal Insurance Contributions Act or under regulations made under authority thereof, which has been transmitted to the Federal Security Agency by the Commissioner of Internal Revenue, or of any file, record, report, or other paper or any information, obtained at any time by the Agency or by any officer or employee of the Agency, which in any way relates to, or is necessary to, or is used in or in connection with, the administration of the old-age and survivors insurance program conducted pursuant to Title II of the Social Security Act, shall be made directly or indirectly except as hereinafter authorized by this regulation or as otherwise expressly authorized by the Commissioner for Social Security.

§ 401.2 *Authority for refusal to disclose.* Any request or demand for any such file, record, report, or other paper, or information, disclosure of which is forbidden by the regulations in this part, shall be declined upon authority of the above-quoted provisions of the act, and the regulations in this part prescribed thereunder. If any member, officer, or employee of the Agency is sought to be required, by subpoena or other compulsory process, to produce such file, report, or other paper, to give such information, he shall respectfully decline to present such file, record, report, or other paper, or divulge such information, basing his refusal upon the above-quoted provisions of law and the regulations in this part prescribed thereunder.

§ 401.3 *Information which may be disclosed and to whom.* Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

(a) As to matters directly concerning any claimant or prospective claimant for benefits or payments under Title II of the Social Security Act, to such claimant or prospective claimant or his duly authorized representative; or upon authorization by such claimant or prospective claimant, or his duly authorized representative, to others or to the public, when consistent with the proper and efficient administration of the act. However, statements of wage information may be furnished in such summary form as may be administratively deemed appropriate to the conduct of the old-age and survivors insurance program under Title II; any request for wage information which is not reasonably necessary for a Title II purpose may be refused.

(b) After death of an individual and when efficient administration permits such disclosure, any information relat-

ing to the individual may be furnished to a surviving relative or to the legal representative of the estate of the individual, and available information concerning the fact, date, or circumstances of death of the individual may be disclosed to any person, upon written request stating the purpose thereof, where such disclosure is considered not detrimental to the individual or to his estate.

(c) To the employer of former employer of an individual, the social security account number of the individual, and a copy of a coverage or wage determination relating to the individual, or a summary thereof setting forth the conclusions reached and the reasons therefor, if services for or wages paid by such employer or former employer are the subject of the determination. Any other information originally supplied by an employer may be furnished to him, upon written request stating the purpose thereof, when efficient administration permits.

(d) To any officer or employee of the Treasury Department, or of the Department of Justice, of the United States, lawfully charged with the administration of Titles II, VIII, or IX of the Social Security Act, the Federal Insurance Contributions Act, or the Federal Unemployment Tax Act, for the purpose of such administration only.

(e) To any officer or employee of an agency of the Federal Government or a State Government lawfully charged with the administration of a Federal or State unemployment compensation law or contribution or tax levied in connection therewith, for the purpose of such administration only.

(f) To any officer or employee of an agency of the Federal Government lawfully charged with the administration of a law providing for public assistance, or work relief, or pension, or retirement, or other benefit payments, only for the purpose of the proper administration of such law, or of the Social Security Act.

(g) To any officer or employee of an agency of a State Government lawfully charged with the administration of a program receiving aid under the Vocational Rehabilitation Act or Titles I, IV, V, or X of the Social Security Act, information regarding benefits paid or entitlement to benefits under Title II of the Social Security Act and, if it has been determined, the date of birth of a recipient or applicant, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant.

(h) To a Federal, State, municipal, or hospital official upon written request stating that he has the name or social security account number of a deceased or insane person or a person suffering from amnesia or who is unconscious or in a state equivalent thereto, but cannot establish such person's identity, such identifying data as is available relative to such person which may be determined by the proper officer of the Agency to be necessary to assist the requesting officer or agency to make the required identification.

(i) To any officer, agency, establishment, or department of the Federal Government, charged with the duty of conducting an investigation or prosecution, for the purpose of such an investigation or prosecution involving:

(1) An inquiry to determine whether there has been a violation of any provision of the Social Security Act, the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, or any Federal income tax law, or of any regulation or procedure in effect thereunder, provided such violation is punishable as a crime under any of such laws or under any other Federal statute imposing criminal penalties; or

(2) An inquiry to determine whether any action of a member, officer, or employee of the Agency relating to the administration of the Social Security Act was attempted or effected with intent to defraud the United States; or

(3) An inquiry with respect to an alleged theft, forgery, alteration, unlawful negotiation, or destruction of a check issued for a benefit under Title II of the Social Security Act; or

(4) Until the date of termination of World War II, an inquiry relating to the commission of an act of espionage or sabotage inimical to the national security: *Provided*, That such information shall be disclosed only to the Federal Bureau of Investigation of the Department of Justice and only upon written certification by a central office official thereof that the information requested is required in an investigation of major importance.

(j) Any record or information may be disclosed when such disclosure is necessary in connection with any claim or other proceeding under the Social Security Act and is necessary for the proper performance of the duties of any officer or employee of the Agency.

(k) Nothing contained in the regulations in this part shall preclude the disclosure of statistical data or other similar information not relating to any particular person.

(l) The Commissioner may from time to time prescribe instructions as to the manner of disclosure of the foregoing information.

(m) Disclosure of any return, file, record, report, or other paper or information, not relating or necessary to, or used in or in connection with, the administration of the old-age and survivors insurance program conducted pursuant to Title II of the Social Security Act, shall not be subject to the limitation on disclosure in section 1106 of the act and shall be made only in accordance with policies prescribed by the Commissioner.

§ 401.4 *Definitions.* As used in the regulations in this part the term:

(a) "Claimant" includes a person who files application on his own behalf or as guardian of an infant or legal representative of an incompetent, or on whose behalf some other person files application, for monthly benefits or a lump-sum death payment;

(b) "Prospective claimant" includes a living wage earner, the legal representa-

tive of an incompetent wage earner, the guardian of an infant, the next of kin of a deceased wage earner, any other person who is equitably entitled, by reason of having paid, in whole or part, the burial expenses of the deceased wage earner, or the legal representative of such next of kin or equitably entitled person;

(c) "Authorized representative" includes any individual authorized by the

claimant or prospective claimant to request or receive information or to act on behalf of the claimant or prospective claimant;

(d) "Legal representative" includes any individual appointed by a court or otherwise authorized by law to act on behalf of a claimant or a prospective claimant;

(e) "Date of termination of World War II" means the date after July 25, 1947, proclaimed by the President as the date of such termination, or the date after July 25, 1947, specified in a concurrent resolution of the two houses of Congress as the date of such termination, whichever is the earlier.

[F. R. Doc. 48-6907; Filed, July 30, 1948; 8:50 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Rochester Rehabilitation Center, Inc., 233 Alexander Street, Rochester 7, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 5 cents per hour, whichever is higher; certificate is effective August 1, 1948, and expires January 31, 1949.

Veterans of Foreign Wars of the United States, 406 West Thirty Fourth Street, Kansas City 2, Missouri; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective July 20, 1948, and expires June 30, 1949.

Crippled Children's Society of Los Angeles County Workshop, 325 West Adams Boulevard, Los Angeles, California, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than

15 cents per hour, whichever is higher; certificate is effective August 1, 1948, and expires July 31, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of July 1948.

JACOB I. BELLOW,
Assistant Director,
Field Operations Branch.

[F. R. Doc. 48-6899; Filed, July 30, 1948; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3016]

TACA, S. A.

NOTICE OF ORAL ARGUMENT

In the matter of the application of TACA, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for renewal of its foreign air carrier permits authorizing the foreign air transportation of persons, property and mail between San Salvador, El Salvador and New Orleans, La., and between San Salvador, El Salvador and Miami, Fla., via Havana, Cuba, and for amendment of the said permits to include Guatemala City, Guatemala and Belize, British Honduras, as intermediate points on each of the aforesaid routes.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on September 2, 1948, at 10:00 a. m. (eastern daylight saving time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 27, 1948.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-6902; Filed, July 30, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. ID-1094]

FRED J. YOUNG

ORDER FIXING DATE OF HEARING

July 27, 1948.

Upon consideration of the application filed on March 29, 1948, as supplemented on May 17, 1948, pursuant to section 305 (b) of the Federal Power Act, for authority to hold the following positions:

Chairman of Board of Directors, Director; Wisconsin Hydro Electric Company.

President, Director; F. J. Young & Company, Inc.

It appears to the Commission that:

(a) Wisconsin Hydro Electric Company, a corporation organized and operating under the laws of the State of Wisconsin with its principal place of business in Amery, Wisconsin, owns and operates facilities for the transmission and sale at wholesale of electric energy which is generated in the State of Minnesota and consumed outside thereof, and is therefore a "public utility" under the Federal Power Act.

(b) F. J. Young & Company, Inc., incorporated under the laws of the State of New York, with its principal place of business at 52 Wall Street, New York City, is an underwriter and dealer in securities. Approximately 90% of its capital stock is owned by the Applicant and his wife, Jessie Gamble Young.

(c) F. J. Young & Company, Inc., is the beneficial owner of 13,220 of the 132,800 outstanding shares of the common stock of Wisconsin Hydro Electric

Company, of which Eastern Minnesota Power Corporation is at present the largest stockholder by virtue of its ownership of 13,280 shares of the common stock.

(d) Applicant states that Eastern Minnesota Power Corporation, a registered holding company, is in the process of dissolution pursuant to a plan approved by the Securities and Exchange Commission under section 11 (e) of the Public Utility Holding Company Act of 1935. Upon such dissolution, Manufacturers Trust Company, as the owner of 6,621 shares of the outstanding preferred stock of Eastern Minnesota Power Corporation, will receive, as distribution in liquidation, approximately two-thirds of said 13,280 shares of common stock of Wisconsin Hydro Electric Company.

(e) Applicant states that F. J. Young & Company, Inc., anticipates, in its regular course of business, that it will engage in the purchase and sale of the securities of Wisconsin Hydro Electric Company.

(f) Applicant is also a director of Central Electric & Gas Company, whose principal place of business is in Lincoln, Nebraska. F. J. Young & Company, Inc., is the beneficial owner of 3150 shares of the common stock of that company. On March 5, 1948, Central Electric & Gas Company entered into a contract with Wisconsin Hydro Electric Company for the rendition of services by the former to the latter in connection with accounting, tax, purchasing, rates, power contracts and similar matters.

The Commission orders that: A public hearing on said application, as supplemented, be held beginning the 20th day of September, 1948 at 10:00 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. At such hearing the burden will be on the applicant to show that neither public nor private interests will be adversely affected by his holding the positions in Wisconsin Hydro Electric Company and F. J. Young & Company, Inc., including a full showing with respect to:

(i) The history of Wisconsin Hydro Electric Company's issuance and sale of presently outstanding securities, including any underwriters or finders participating therein, their method of selection, their compensation, and the other expenses incurred; any participation or interest of applicant or F. J. Young & Company, Inc., in issuance or sale of any such securities; the prospective financing needs of the company; and whether F. J. Young & Company, Inc., will be its underwriters or if not, who will be, or how that will be determined.

(ii) What effect, if any, applicant's holding such positions will, or may, have on future financing by Wisconsin Hydro Electric Company, including timing and arrangement of terms of such financing, method of obtaining underwriters' services, and other factors affecting Wisconsin Hydro Electric Company's ability to obtain capital at most favorable rates.

(iii) What effect, if any, applicant's holding such positions will, or may, have, on ability of F. J. Young & Company, Inc., to realize profits affecting interests of Wisconsin Hydro Electric Company or its investors or consumers.

(iv) Whether as the result of business or transactions between F. J. Young & Company, Inc., or any other person, and Wisconsin Hydro Electric Company, applicant will, or may, benefit, directly or indirectly.

(v) Participation of applicant or F. J. Young & Company, Inc., in negotiation of contract between Central Electric and Gas and Wisconsin Hydro Electric Company; the reasonableness and necessity for such services; the cost thereof to Central Electric; the excess of the amount paid by Wisconsin Hydro Electric Company over such cost, if any; and the interest, if any, of applicant therein, directly or indirectly.

(vi) Whether applicant has or will have control of Wisconsin Hydro Electric Company, as defined in the Commission's Uniform System of Accounts, and if not, who has and will have; relative position and relationship of applicant or F. J. Young & Company, Inc., to other stockholders and directors of Wisconsin Hydro Electric Company and to any interests represented by such directors; number of shares customarily voted at stockholders meetings, number customarily present in person and number voted by proxy, and who the proxies are.

Date of issuance: July 27, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6900; Filed, July 30, 1948;
8:47 a. m.]

[Docket No. G-1040]

SOUTHERN CALIFORNIA GAS CO

ORDER FIXING DATE OF HEARING

JULY 27, 1948.

Upon consideration of the application filed on April 26, 1948, as supplemented on June 24, 1948, by Southern California Gas Company, a California corporation with its principal place of business at Los Angeles, California, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 12, 1948 (13 F. R. 2572).

The Commission, therefore, orders that:

(A) Pursuant to the authority conferred in and subject to the jurisdiction conferred upon the Federal Power Com-

mission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 13, 1948, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by Rules 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 28, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6901; Filed, July 30, 1948;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING AND APPROVING DISTRIBUTION AND TRANSFER OF STOCK AS DIVIDEND

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of July A. D. 1948.

In the matter of The United Light and Railways Company and American Light & Traction Company, et al.; File Nos. 59-11, 59-17 and 54-25.

The Commission by order dated December 30, 1947, having approved the Plan, designated Application No. 31, as amended, filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), by The United Light and Railways Company and American Light & Traction Company ("American Light"), registered holding companies, which provided, inter alia, for the distribution and transfer by American Light, quarterly, during 1948, to its common stockholders, as dividends in kind in lieu of cash dividends, of shares of the common stock of The Detroit Edison Company ("Detroit Edison") of the par value of \$20 per share, at the rate of one share of such Detroit Edison stock for each 75 shares of common stock of American Light owned (together with cash in lieu of fractional shares); and said order of December 30, 1947 having recited, among other things, that the distribution and transfer by American Light to its common stockholders, as dividends in kind, of such common stock of Detroit Edison at the aforesaid rate are necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and the Commission having in said order reserved jurisdiction, inter alia, to take such further action and to enter such further orders as may be deemed appropriate in connection with the Plan, the

transactions incident thereto and the consummation thereof, and as may be necessary to secure full compliance with the act; and

The Board of Directors of American Light having declared a dividend on the outstanding common stock of the company, payable August 2, 1948, to stockholders of record at the close of business July 8, 1948, in shares of common capital stock of the par value of \$20 per share of Detroit Edison, at the rate of one share of such stock of Detroit Edison for each 75 shares of the common stock of American Light outstanding on the record date (together with cash in lieu of fractional shares), such dividend having been declared pursuant to section 11 (e) Plan and the Commission's order of December 30, 1947 approving the same; and

American Light having requested the Commission to issue a supplemental order with respect to said dividend distribution, conforming to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended; and the Commission deeming it appropriate to grant such request;

It is hereby ordered and recited, That the distribution and transfer by American Light on August 2, 1948, to its common-stock holders, as a dividend in kind, of 34,152 shares of common capital stock of Detroit Edison of the par value of \$20 per share (out of certificate No. K-137), all as contemplated by the Amended Plan and the Commission's Order of December 30, 1947, approving said Plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-6893; Filed, July 30, 1948;
8:46 a. m.]

[File Nos. 70-1792, 70-1799]

CENTRAL VERMONT PUBLIC SERVICE CORP.
AND NEW ENGLAND PUBLIC SERVICE CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of July A. D. 1948.

The Commission having, by order dated April 30, 1948, granted the application, as amended, of Central Vermont Public Service Corporation ("Central Vermont"), a public utility subsidiary of New England Public Service Company ("NEPSCO"), a registered holding company, requesting, inter alia, an exemption from competitive bidding of its proposed issue and sale of bonds and common stock; and

The Commission, having by order dated July 21, 1948, granted and permitted to become effective the applications and declarations, as amended, of Central Vermont and NEPSCO with regard to (a) the issue and sale by Central Ver-

mont of \$1,900,000 principal amount of First Mortgage --% Bonds Series E due 1978, and a sufficient number of shares of common stock to raise approximately \$2,600,000, and in connection therewith, the issue of transferable subscription warrants and forms to stockholders, (b) the issue and sale by NEPSCO of a one-year 2 1/4% promissory note to The First National Bank of Boston in an amount which will not exceed \$500,000, and in connection therewith, the pledging of Central Vermont's common stock presently held by it, together with other common stock proposed to be acquired, as collateral Central Vermont; and the Commission having by said order reserved jurisdiction with respect to the results of negotiations for the sale of the bonds and common stock including the prices, the interest rate on the bonds, the underwriters' commission, and the allocation thereof, the finder's fee and the payment of all legal fees incurred or to be incurred in connection with the proposed transactions; and

Central Vermont having filed a further amendment to its application and declaration setting forth the results of negotiations for the sale of its bonds and common stock, which amendment may be summarized as follows:

Central Vermont will issue and offer to its present stockholders 326,700 shares of new common stock at \$8.25 per share (the gross price to the underwriters) on the basis set forth and approved in our findings, opinion and order dated July 21, 1948, said offer to expire at 3:00 p. m. on August 4, 1948. The underwriting agreement with Coffin & Burr, Incorporated, provides for the payment by Central Vermont to the underwriters as compensation to them severally for remaining obligated during the subscription period to purchase the unsubscribed stock and for their services in distributing the unsubscribed stock, a sum equal to \$0.50 per share in respect of all shares (exclusive of the shares to be acquired by NEPSCO) of common stock underwritten (whether or not subscribed for), plus the following additional sum per share in respect of all shares of unsubscribed stock purchased by them: \$0.35 per share if the total number of shares is more than 20,000 and does not exceed 70,000; \$0.40 per share if the total number of shares is more than 70,000 and does not exceed 106,000; \$0.50 per share if the total number of shares exceeds 106,000. Also, the company will reimburse the underwriters for their expenses, including counsel fees, in an amount not exceeding \$2,300.

Central Vermont also has entered into an agreement with John Hancock Mutual Life Insurance Company, the Columbian National Life Insurance Company, and Bankers Trust Company, as trustee of various pension trusts, for the sale of its First Mortgage 3 1/4% Bonds, Series E, due 1978 at a price of 100.483496% of the principal amount thereof plus interest accrued thereon from July 15, 1948 to the closing date, which results in cost of money to the company and yield to the purchaser of 3.10%. The company has agreed to pay to Coffin & Burr, Incorporated, \$2,375 for its services in connection with the sale

of the bonds. Also, the company has agreed to pay the fee and expenses of Choate, Hall & Stewart, special counsel for the purchasers of the bonds, estimated at \$1,000.

The Commission having examined the record in the light of said amendment filed by Central Vermont and finding no basis for imposing terms and conditions with respect to the price to be paid for the bonds and common stock, interest rate on the bonds, underwriters' commissions, and the allocation thereof, and finder's fee; and

It further appearing to the Commission that the legal fees incurred in connection with the proposed transactions, other than those of Ropes, Gray, Best, Coolidge & Rugg as to which supporting data have not yet been furnished, are not unreasonable; and

It appearing to the Commission that the Public Service Commissions of the States of New Hampshire and Vermont have issued supplemental orders approving the results of negotiation for the sale of the bonds and common stock as well as the issue of warrants and forms by Central Vermont;

It is ordered, That, pursuant to the applicable provisions of the act, the aforesaid applications and declarations, as further amended, of Central Vermont Public Service Corporation and New England Public Service Company be, the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and that the jurisdiction heretofore reserved over the results of negotiation, including the prices, the interest rate on the bonds, underwriters' commissions and allocation thereof, the finder's fee, and all legal fees incurred in connection with the proposed transactions, except the legal fees of Ropes, Gray, Best, Coolidge & Rugg, be, and the same hereby is, released.

It is further ordered, That the jurisdiction heretofore reserved with respect to the legal fees of Ropes, Gray, Best, Coolidge & Rugg, be, and the same hereby is, continued.

By the Commission.

[SEAL] Nellye A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6892; Filed, July 30, 1948;
8:46 a. m.]

[File No. 70-1874]

EBASCO SERVICES, INC.

ORDER AMENDING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of July A. D. 1948.

The Commission having on July 9, 1948, entered an order granting the application of Ebasco Services, Inc. ("Ebasco"), a wholly owned service company subsidiary of Electric Bond and Share Company, a registered holding company, for permission to conduct certain construction and engineering services for Creole Petroleum Corporation in Venezuela through a subsidiary corpora-

tion organized under the laws of the State of Delaware to be known as Ebasco Engineering Company, Inc. ("Ebasco Engineering"); and

Ebasco having, by amendment filed July 23, 1948, requested that the Commission's order of July 9, 1948, be amended so as to permit Ebasco to create a corporation under the laws of the Republic of Venezuela instead of under the laws of the State of Delaware for the purpose of performing such construction, stating that such new corporation would have an authorized capital stock of 75,000 bolivares, Venezuelan currency, equivalent to approximately \$25,000 United States currency, divided into 750 shares having a par value of 100 bolivares per share, all of which shares would be subscribed for and purchased by Ebasco with the exception of such shares as may be necessary to provide for the minimum number of stockholders required by Venezuelan law, not to exceed 5 shares in any event; and

The Commission deeming it appropriate in the public interest that said order of July 9, 1948, be amended as requested:

It is hereby ordered, That the order entered herein on July 9, 1948, be, and the same hereby is, amended so as to permit the organization by Ebasco of a subsidiary corporation under the laws of the Republic of Venezuela, with the capitalization above stated, instead of under the laws of the State of Delaware.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-6896; Filed, July 30, 1948;
8:46 a. m.]

[File No. 70-1885]

QUEENS BOROUGH GAS AND ELECTRIC CO.
ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of July 1948.

Queens Borough Gas and Electric Company, a subsidiary of Long Island Lighting Company, a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transaction:

Declarant proposes to issue and sell for cash at face amount to a commercial bank an unsecured promissory note having a face amount of \$300,000 which will bear interest at the rate of 2¼% per annum and will mature January 22, 1949. The proceeds of the sale of the note are to be used to repay an outstanding note in the same amount, which is due July 28, 1948, and which is held by the same commercial bank.

Such declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration

within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-6894; Filed, July 30, 1948;
8:46 a. m.]

[File No. 70-1889]

KENTUCKY UTILITIES CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of July A. D. 1948.

Notice is hereby given that Kentucky Utilities Company ("Kentucky"), a public utility subsidiary of The Middle West Corporation, a registered holding company, has filed a declaration and amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"). The declarant has designated sections 11 (b) (1) and 12 (d) of the act and Rule U-44 of the General rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any person may, not later than August 11, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 11, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Kentucky proposes to sell certain of its gas utility assets to various purchasers. It proposes to sell to Central Kentucky

Natural Gas Company ("Gas Company"), a public utility subsidiary of Columbia Gas System, Inc., a registered holding company; all the gas utility properties of the company located within the corporate limits of the City of Lexington, Kentucky, for a consideration equivalent to the original cost of said property less accrued depreciation thereon on the closing date, plus the amount of net additions made by the company to said properties between December 31, 1947, and the date upon which the transaction is consummated, and the adjusted amount of the 1948 ad valorem tax on said property. It is stated that said gas utility assets have been operated by Gas Company pursuant to a lease arrangement since December 15, 1905. Kentucky also proposes to sell to D. P. Newell and J. D. Van Hooser ("Purchasers"), all the gas plants, gas transmission mains, gas distribution mains and systems of the company located in and in the vicinity of the cities of Paris and Maysville, Kentucky, for a cash consideration equivalent to \$330,000, plus the amount of net additions made by the company to said properties between December 31, 1947, and the date upon which the transaction is consummated, the cost to the company of the materials and supplies on hand at the date of consummation of the transaction which are used and useful in the operation and maintenance of the properties to be sold, and the adjusted amount of 1948 ad valorem tax on said property. The gas utility properties proposed to be sold constitute 1.64% of the company's net plant account.

The net cash proceeds to be derived from the proposed sales are estimated by the company to be approximately \$573,000 with respect to the sale to Gas Company and approximately \$332,000 with respect to the sale to Purchasers, subject in both cases to the minor adjustments as indicated above. According to the declaration, such proceeds will be deposited with the Continental Illinois National Bank and Trust Company of Chicago, Trustee under the company's mortgage dated May 1, 1947, and, within one year, will be withdrawn in accordance with the provisions of said mortgage relating to the withdrawal of deposited cash and upon withdrawal such funds will be invested in property consisting of additions and extensions to the company's electric utility plant and system.

The declarant has stated the proposed sales of gas utility properties are deemed necessary to effect compliance with section 11 (b) (1) of the act, and, in that connection, has requested that the order of the Commission permitting the declaration to become effective conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code as amended.

The declarant states that the proposed transactions are subject to the jurisdiction of the Public Service Commission of Kentucky.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-6895; Filed, July 30, 1948;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11618]

OLIVIER VON BEAULIEU MARCONNAY

In re: Bank account owned by Olivier von Beaulieu Marconnay. F-28-14947-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olivier von Beaulieu Marconnay, whose last known address is 3 Jenae-str., Weimar, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Union Trust Company of Maryland, Baltimore and St. Paul Streets, Baltimore 2, Maryland, arising out of a savings account, Account Number 39704, entitled Robert N. Baer, Agt. for Olivier Von Beaulieu Marconnay, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Olivier von Beaulieu Marconnay, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6908; Filed, July 30, 1948; 8:51 a. m.]

[Vesting Order 11647]

ERIC KAUTZ ET AL.

In re: Eric Kautz et ux., et al., v. Lizzie Sandel et vir. File No. D-28-10350; E. T. sec. 14738.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lizzie Sandel and Hugo Sandel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees of Lizzie Sandel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the proceeds of the sale of real estate sold pursuant to court order in a partition suit entitled "Eric Kautz et ux., et al., v. Lizzie Sandel et vir." in the Court of Chancery of New Jersey, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Clerk of the Court of Chancery of New Jersey, as Depository, acting under the judicial supervision of the Court of Chancery of New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees of Lizzie Sandel are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6914; Filed, July 30, 1948; 8:52 a. m.]

[Vesting Order 11662]

HENRY VAHLKAMP

In re: Trust under the will of Henry Vahlkamp, deceased. File D-28-12151; E. T. sec. 16348.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Geissler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees of Wilhelmine Geissler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 and 2 hereof, and each of them, in and to the trust created under the will of Henry Vahlkamp, deceased, presently being administered by the Mississippi Valley Trust Company and Gustave E. Vahlkamp, Broadway and Olive Streets, St. Louis, Missouri, as Co-trustees,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees of Wilhelmine Geissler, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6915; Filed, July 30, 1948; 8:52 a. m.]